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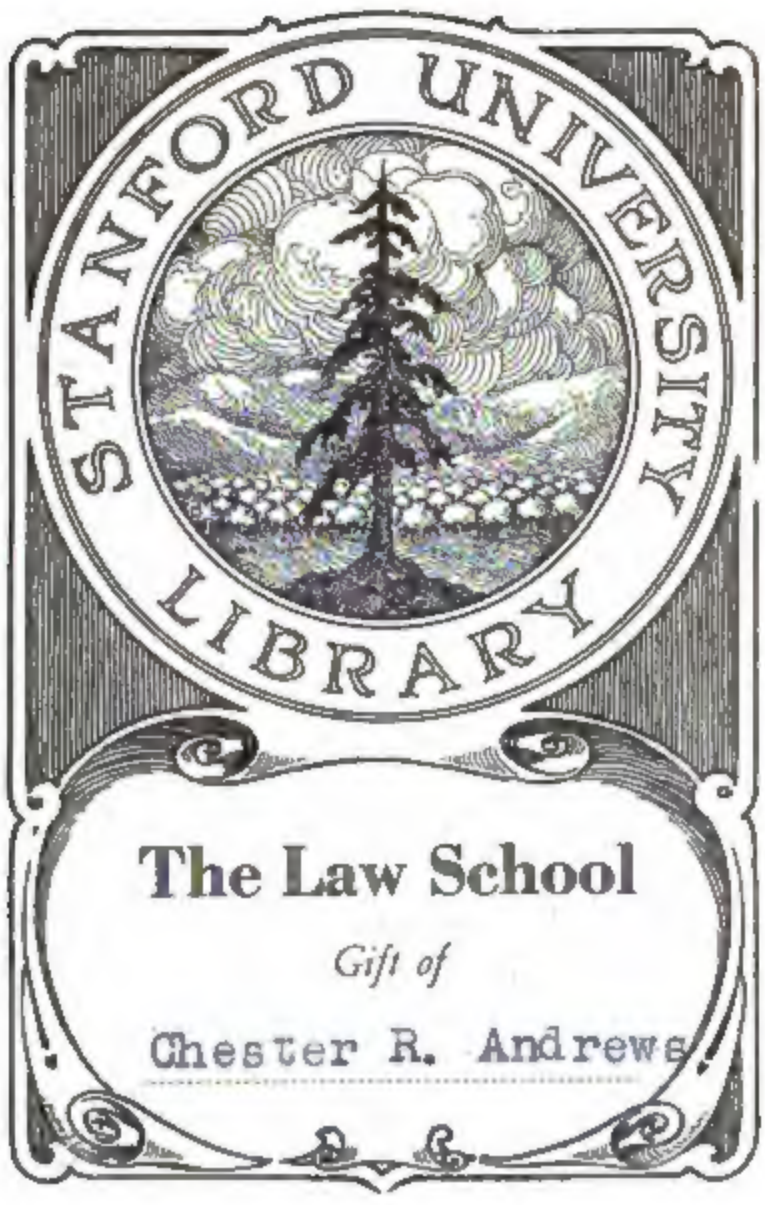
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THE

STATUTES OF CALIFORNIA,

PASSED AT THE

Fifteenth Session of the Legislature,

1863-4:

BEGAN ON MONDAY, THE SEVENTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-THREE, AND ENDED ON MONDAY, THE FOURTH DAY OF APRIL, EIGHTEEN HUNDRED AND SIXTY-FOUR.

SACRAMENTO:
O. M. CLAYES, STATE PRINTER.

1864.

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LIST OF OFFICERS.

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STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
F. F. Low	Governor	San Francisco
T. N. Machin	Lieutenant-Governor	Tuolumne
B. B. Redding	Secretary of State	Sacramento
George Oulton	Controller	Siskiyou
R. Pacheco	Treasurer	San Luis Obispo
John G. McCullough	Attorney-General	Mariposa
J. F. Houghton	Surveyor-General	Solano
John Swett	Superintendent of Public Instruction	San Francisco
O. M. Clayes	State Printer	San Joaquin
William C. Kibbe	Adjutant-General	Sacramento
W. C. Stratton	State Librarian	Placer
George C. Gorham	Governor's Private Secretary	San Francisco
C. L. Taylor	State Harbor Commissioner (President)	San Francisco
S. S. Tilton	State Harbor Commissioner	San Francisco
D. C. McRuer	State Harbor Commissioner	San Francisco
R. E. C. Stearns	Secretary Harbor Commissioners	San Francisco

JUDGES AND CLERKS OF SUPREME COURT.

S. W. Sanderson	Chief Justice	El Dorado
John Currey	Associate Justice	San Francisco
Lorenzo Sawyer	Associate Justice	San Francisco
A. L. Rhodes	Associate Justice	Santa Clara
O. L. Shafter	Associate Justice	Alameda
W. D. Harriman	Clerk	Placer
W. G. Wood	Deputy Clerk	San Francisco
John S. Barrett	Private Secretary	Sacramento
Charles A. Tuttle	Reporter	Placer

SENATORS.

R. BURNELL.....President pro tem.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
*J. E. Benton	Sacramento	Folsom
J. P. Buckley	San Francisco	San Francisco
R. Burnell	Amador	Ione City
Juan Y. Cot	San Luis Obispo and Santa Barbara	Santa Ynez
W. W. Crane, Jr.	Alameda	Oakland
*Lewis Cunningham	Yuba	Marysville
*H. L. Dodge	San Francisco	San Francisco
*George S. Evans	Tuolumne and Mono	Sonora
L. M. Foulke	Siskiyou	Unionville
J. W. Freeman	Fresno and Tulare	Keysville
R. C. Gaskill	Butte	Forbestown
*J. E. Hale	Placer	Auburn
J. T. Hall	Solano and Yolo	Yolo
H. Hamilton	Los Angeles	Los Angeles
*C. Hartson	Lake, Napa, and Mendocino	Napa City
Joseph W. Haskin	Mono and Tuolumne	Aurora
C. S. Haswell	Sutter and Yuba	Nicolaus
*Horace Hawes	San Francisco and San Mateo	San Francisco
E. H. Heacock	Sacramento	Sacramento
A. C. Henry	El Dorado	Placerville
*John P. Jones	Shasta and Trinity	Weaverville
*Joseph Kutz	Nevada	North San Juan
*W. H. Leonard	Calaveras	Comanche
*W. E. Lovett	Monterey and Santa Cruz	San Juan South
W. S. McMurtry	Santa Clara	Lexington
*F. L. Maddox	El Dorado	Georgetown
*S. Meyers	San Joaquin	French Camp
*W. S. Montgomery	Mariposa, Merced, and Stanislaus	Snellings
J. W. Moyle	Sierra	Howland Flat
George Pearce	Sonoma	Petaluma
*C. B. Porter	Contra Costa and Marin	Alamo
*J. H. Redington	San Francisco	San Francisco
E. W. Roberts	Nevada	Grass Valley
*J. A. Rush	Colusa and Tehama	Colusa
J. McM. Shafter	San Francisco	San Francisco
Joseph Shepard	Calaveras	Vallecito
*F. M. Smith	Butte and Plumas	Oroville
*M. C. Tuttle	San Bernardino and San Diego	San Bernardino
*S. P. Wright	Del Norte, Humboldt, and Klamath	Crescent City
J. Yule	Placer	Michigan Bluff

*Term, four years.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Charles Westmoreland	Secretary	San Francisco
A. W. Bishop	Assistant Secretary	Tehama
John Hemsley	Sergeant-at-Arms	Placer
James A. Stidger	Assistant Sergeant-at-Arms	Nevada
J. S. Van Doren	Minute Clerk	Sonoma
John White	Assistant Clerk	San Francisco
Wilbur F. Huestis	Journal Clerk	Humboldt

NAME.	OFFICIAL POSITION.	RESIDENCE.
Albert Hart	Enrolling Clerk	Sacramento
M. E. Gelston	Engrossing Clerk	Sacramento
F. Hallowell	Copying Clerk	Siskiyou
William A. Plunkett	Copying Clerk	San Francisco

MEMBERS OF ASSEMBLY.

W. H. Sears, ...Speaker.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
E. H. Allen	San Joaquin	Stockton
S. H. Alley	Sierra	La Porte
A. Badlam, Jr	Sacramento	Sacramento
J. H. Beaman	Yuba	Galena Hill
M. Boulware	Sutter	Nicolaus
James Bowman	San Francisco	San Francisco
G. J. Brooks	San Francisco	San Francisco
A. C. Brown	Amador	Jackson
J. C. Brown	Tulare	White River
A. C. Buffum	Butte	Magalia
Thompson Campbell	San Francisco	San Francisco
J. S. Campbell	El Dorado	Salmon Falls
Estevan Castro	Monterey	Monterey
J. N. Chappell	Shasta	Shasta
J. W. Cherry	San Francisco	San Francisco
Robert A. Clark	Plumas	Richmond Hill
C. Clayton	San Francisco	San Francisco
A. Devoe	Santa Cruz	Watsonville
W. L. Dickinson	Merced and Stanislaus	Horr's Ranch
W. B. H. Dodson	Lake and Napa	Uncle Sam
F. A. Dow	El Dorado	Wild Goose Flat
Henry Dutton	San Francisco	San Francisco
B. Dyer	Calaveras	Robinson's Ferry
Wm. Erkson	Santa Clara	Alviso
T. Fraser	El Dorado	Indian Diggings
N. Gray	San Francisco	San Francisco
A. F. Green	San Mateo	San Bruno
J. B. Hartsough	Yolo	Cache Creek
R. J. Hill	San Luis Obispo and Santa Barbara	Patera Ranch
R. P. Hirst	Del Norte and Klamath	Sawyer's Bar
J. S. Hittell	San Francisco	San Francisco
O. H. Hoag	Sonoma	Bloomfield
L. Hubbard	Yuba	Marysville
W. B. Hunt	Sacramento	Sacramento
S. Jenison	Colusa and Tehama	Paskenta
Sanborn Johnson	Marin	Tomales
J. J. Kendrick	San Diego	San Diego
E. J. C. Kewen	Los Angeles	Los Angeles
L. Langdon	Calaveras	Jenny Lind
S. L. Littlefield	Siskiyou	Yreka
Wm. B. Ludlow	Amador	Forest Home
F. Lux	Mono and Tuolumne	Montezuma
J. Lynch	San Francisco	San Francisco
T. W. McColliam	San Francisco	San Francisco
S. Martin	Nevada	You Bet
C. F. Mebius	San Francisco	San Francisco
E. F. Mitchell	Tuolumne and Mono	Aurora
J. J. Owen	Santa Clara	San José
S. N. Parker	Calaveras	Chile Gulch

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
J. E. Perley	San Joaquin	Woodbridge
O. Perrin	Tuolumne and Mono	Big Oak Flat
M. W. Personette	Trinity	Douglas City
J. D. Pratt	Placer	Carrolton
O. F. Redfield	Yuba	Timbuctoo
J. P. Rhoads	Sacramento	Cosumnes River
J. W. Rule	Nevada	Grass Valley
W. H. Sears	Nevada	North San Juan
R. C. Scott	Siskiyou	Scott's Bar
Thomas Scott	Alameda	Vallejo Mills
Y. Sepulveda	Los Angeles	Los Angeles
A. A. Smith	Nevada	Rough and Ready
J. Smith	Sonoma	Santa Rosa
E. H. Snyder	Placer	Last Chance
George S. Sumner	Butte	Oroville
P. Teare	El Dorado	El Dorado
Francis Tukey	Sacramento	Sacramento
A. Van Leuven	San Bernardino	San Bernardino
H. D. Van Schaick	Santa Clara	Gilroy
Asa Walker	Alameda	Brooklyn
J. N. Walker	Fresno	Fine Gold Gulch
Milton Wason	Solano	Silveyville
J. R. Watson	Sacramento	Alder Springs
R. S. Weston	Sierra	Forest City
Murray Whallon	Sonoma	Sonoma
J. W. Wilcox	Mariposa	Bear Valley
A. Wiley	Humboldt	Eureka
L. Wilsey	Mendocino	Punta Arenas
M. C. Winchester	Placer	Lincoln
Joseph Wood	San Francisco	San Francisco
T. J. Wright	Contra Costa	San Pablo

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.	RESIDENCE.
M. C. Briggs	Chaplain	Sacramento
O. C. Wheeler	Chief Clerk	Sacramento
R. H. Daly	Assistant Clerk	Sacramento
Martin Rowan	Minute Clerk	San Francisco
William M. Rider	Sergeant-at-Arms	Sonoma
J. F. Holloway	Assistant-Sergeant-at-Arms	Santa Clara
J. H. Marple	Enrolling Clerk	Butte
A. N. Gamble	Engrossing Clerk	Placer
L. S. Taylor	Journal Clerk	Sacramento
H. Aaron Lease	Copying Clerk	El Dorado
Nicholas Moritz	Copying Clerk	Mariposa

COMMISSIONERS OF DEEDS,

WITH NAME, RESIDENCE, DATE OF APPOINTMENT, AND DATE OF FILING OATH OF OFFICE.

CONNECTICUT.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 30.....1860	Edward Goodman.....	Hartford..	September 1 1860
August 6.....1860	A. L. Bishop.....	Hew Haven.....	September 4 1860
April 8. 1861	F. A. Palmer.....	Stonington.....	May 8.....1861

INDIANA.

August 24.....1861	Wm. Y. Wiley.....	Indianapolis....	September 30..... ..1861

ILLINOIS.

February 14 1862	Philip A. Hoyne	Chicago.....	February 20 1862
May 5.....1862	Calvin C. Parks.....	Chicago.....	.....
June 11..... 1862	Charles D. Coon.	Springfield.....	.....

KANSAS.

February 12 1861	Amos Steck.....	Denver City.....	....

KENTUCKY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 16.....1860	C. L. Thompson.....	Louisville.....	June 16.....1860

LOUISIANA.

October 20... 1863	Walter H. Peters.....	New Orleans.....	December 11.....1863

MAINE.

July 24.....1861	James O'Donnell	Portland..	August 28.....1861
January 3.....1863	Artemus Libby...	Augusta...	.....

MARYLAND.

May 10..... 1860	E. R. Sprague	Baltimore.....	June 13..... 1860
May 4.....1861	James B. Latimer.....	Baltimore.....	June 15 1861
August 26.....1862	Dalrymple Williams.....	Baltimore.....	October 17.....1862

MASSACHUSETTS.

July 13.....1860	O. P. C. Billings	Boston.....	November 22.....1860
July 16.....1860	Samuel S. Curtis	Boston.....	August 14..... 1860
August 1.. 1860	George S. Hale.....	Boston.....	September 21.. 1860
October 1. 1860	J. B. F. Osgood..	Salem...	November 19.. 1860
November 13.....1860	O. G. Randall.	Boston.....	December 18.....1860
January 22.....1861	John M. Fiske.....	Boston.....	February 26.....1861
April 8..... 1861	Charles B. F. Adams....	Boston.....	June 21.....1861
April 8.....1861	Paul P. Todd.....	Boston.....	May 6. 1861
February 26 1861	Charles G. Johnson.....	Boston..	April 17.....1861
August 22..... 1861	Daniel Sharp..	Boston.....	October 2.....1861
November 1.....1861	George T. Angell...	Boston.....	November 25.. 1861
March 6... 1862	Benj. Bond.....	Boston.....	May 8.....1862
March 12. 1862	Alfred Macy.....	Nantucket.....	June 7.. 1862
April 22.....1863	John C. Park.....	Boston.....	June 6.. 1863
March 19.....1863	Peter J. Wheelock.	Norfolk	.....
July 10.....1863	Ben. Hall Currier.....	Boston.....	August 21 1863
August 4.....1863	Joseph L. Lord.....	Boston.....	September 9 1863
December 14... 1863	Henry M. Parker.....	Boston.....	....

MICHIGAN.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 10.....1863	W. J. Waterman	Detroit.....	November 7. 1863

MINNESOTA.

September 9.....1861	J. S. Sawyer.....	Chatfield..	....

MISSOURI.

February 10 1864	S. P. Rawle.....	St. Louis..	April 6. 1864

NEW HAMPSHIRE.

September 12.. 1860	Francis Cogswell.....	Boscawen.....	....
April 8.....1861	George G. Brewster.....	Portsmouth.....	May 15.....1861

NEW JERSEY.

July 13.....1860	John Brush.	Patterson.....	August 17.....1860
August 29.....1860	Isaac M. Andruss.....	Newark	.....

NEW YORK.

April 3 1860	Albert Priest.....	New York	.....
April 5.. 1860	Moses B. Maclay.....	New York	May 31.....1860
April 14.. 1860	A. F. Cushman...	New York	October 1.....1860
April 17.....1860	Jabez D. Pratt.....	New York	May 16.....1860
May 8..... 1860	John L. Anderson.....	New York.....	July 5.....1860
May 30..... 1860	R. H. McMillan.....	New York	June 29 1860
May 31.....1860	F. C. Bowman	New York	July 14..... 1860
August 1.....1860	Irving Parmelee.....	New York	.....
August 23.....1860	C. M. Northrup.....	New York.....	October 17.....1860
October 17.....1860	E. B. Merril	New York	November 15 1860

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 20.....1860	Henry C. Pratt.....	New York.....	December 11..... ...1860
November 8.....1860	Thurbur Bailey..	New York	December 19.....1860
December 31 1860	Cole H. Denio.....	New York.....	.....
January 26.....1861	Thomas L. Thornell.. ...	New York.....	March 9.....1861
February 6.. 1861	J. K. Hackett.....	New York	March 7.....1861
February 19.....1861	H. H. Bostwick..	Auburn	March 27. 1861
March 27.....1861	James H. Hill	New York.....	.....
March 27. 1861	E. F. De Selding.....	New York.....	June 13..... 1861
April 4.....1861	James P. McMahon.. ...	New York.....	.....
April 4. 1861	Wm. J. Sinclair.....	New York.....	May 7.....1861
April 5. 1861	George F. Noyes	New York.....	.....
April 8. 1861	H. R. DeWitt.	New York...	May 13.....1861
April 11 1861	George L. Davis.....	Elmira.....	May 4.....1861
April 29.....1861	J. R. Pomeroy.....	Brooklyn.....	June 8.....1861
June 28..... 1861	John G. Baker.....	New York	.....
June 28.....1861	F. Corey.....	New York.....	August 6..... ..1861
June 28 1861	F. Corey Jr.	New York.....	August 6.....1861
June 28 1861	C. G. Fenner.....	New York.....	.....
August 24.....1861	F. B. Van Vleck.....	New York.....	September 27.. 1861
October 2.....1861	Wm. H. Luff.....	New York.....	.....
November 1.....1861	David McAdam.....	New York.....	December 10... 1861
November 14.....1861	Wm. C. Weed.....	New York	April 3..... 1862
November 30.....1861	D. L. Ranlett.....	New York.....	.....
February 14.....1862	A. Ostrander.....	New York.....	March 18..... 1862
February 28 1862	R. M. Cooley..	New York.....	.....
February 28 1862	George Wolford..	Albany.	April 7..... 1862
March 4.....1862	Charles E. Jenkins	New York.....	May 30..... 1862
April 11.....1862	J. W. Lawton.....	New York.....	August 1..... ..1862
April 11.....1862	J. B. Williams	New York.....	June 24..... 1862
April 14.....1862	Edmund Terry.....	New York.....	July 22..... 1862
April 22.....1862	John Butcher.....	New York.....	.....
April 22.....1862	Thomas Sadler.....	New York.....	July 5.....1862
April 28.....1862	N. W. Busteed.....	New York.....	May 28..... 1862
May 24.....1862	Sylvester Lay.	New York.....	June 27..... 1862
May 22.....1862	Philip G. Galpin	New York.....	September 17.. 1862
June 2..... 1862	Charles J. Bushnell... ...	New York.....	July 21..... 1862
June 27..... 1862	A. Dewitt Baldwin.....	New York.....	July 29.....1862
June 2.. 1862	William Furness.....	New York.....	July 3.....1862
July 3.....1862	Robins Little..	New York.....	August 13.....1862
July 17.....1862	Daniel Seixas.....	New York.....	September 23.. 1862
July 17.....1862	Gordon L. Ford.....	Brooklyn.....	September 5 1862
February 12 1863	Elnathan L. Sanderson.	Brooklyn.....	March 30..... 1863
February 26 1863	Clinton Rice.....	New York.....	.....
April 11.....1863	Edward Chace	New York.....	....
April 15 1863	Andrew M. Hitchcock...	New York.....	.....
April 29.....1863	Augustin P. Mange.....	New York.....	.....
March 27..... 1863	Frederick Kapp.....	New York.....	May 22.....1863
March 27. 1863	Charles Nettleton.....	New York.....	May 9..... ...1863
May 25..... 1863	Henry W. Allen.....	New York.....	October 3.....1863
May 25... 1863	Edwin Bissell.....	New York.....	May 25.....1863
July 11.....1863	G. W. Plympton.....	New York.....	August 18.....1863
November 2.....1863	Andrew J. Roe.....	New York.....	December 19.....1863
November 27.. 1863	Jos. B. Nones.....	New York.....	January 2.....1864
November 27... 1863	Harris Lowenberg.....	New York.....	January 8.....1864
December 14.....1863	Charles H. Earl.....	White Plains.....	February 3.. 1864
December 19.....1863	Wm. H. Baldwin.....	New York.....	.....
February 4.....1864	S. B. Farnham...	New York.....	.....
February 20 1864	Henry C. Banks.....	New York.....	April 21..... 1864
February 20 1864	A. F. Cushman.....	New York.....	.....
February 20 1864	H. W. Colver..	New York.....	.....
February 27 1864	Julius Silversmith.....	New York.....	.....
March 1 1864	Frederick J. King.....	New York.....	.....

OHIO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 6.....1860	G. P. Browner	Fremont.....	October 8. 1860
March 18.....1862	S. S. Carpenter...	Cincinnati.....	.....
July 10.....1863	Alex. H. McGuffy.....	Cincinnati.....	August 7.....1863

OREGON.

June 28..... 1861	Douglas W. Williams ...	Portland.....	June 16.....1861
June 19 1862	A. G. Richardson.....	Portland..	July 19..... 1862
March 4.....1863	W. Lair Hill.....	Portland.....	....

PENNSYLVANIA.

May 19.....1860	G. M. Eldridge.....	Philadelphia.....	.....
September 12.. 1860	T. D. Rand.	Philadelphia.....	October 16..... ...1860
December 15.....1860	Joshua Spering.....	Philadelphia.....	February 5.. 1861
December 18.....1860	W. J. Jermon.....	Philadelphia.....	.....
February 15 1861	H. Osler, Jr.....	Philadelphia.....	January 16.....1861
April 8. 1861	John B. Linn.....	Lewisburg.....	August 12.....1861
October 2.....1861	T. B. Archer.....	Philadelphia.....	.....
September 9 1861	C. S. Sims	Philadelphia.....	October 14.....1861
October 14.....1861	G. W. A. Hathwell	Philadelphia.....	November 16..... ..1861
November 8.....1861	F. Dittman..	Philadelphia.....	December 16.....1861
February 14 1861	Samuel L. Taylor...	Philadelphia.....	March 20. 1862
June 7.....1862	Edward Shippen	Philadelphia.....	July 8..... 1862
June 23.....1862	A. M. Burton..	Philadelphia.....	August 19.....1862
September 24.. 1862	John Mitchell.....	Hollidaysburg.....	October 22.....1862
October 4.....1862	Theodore M. Morgan ...	Philadelphia.....	November 17.....1862
January 28.....1863	Edward Wickersham....	Philadelphia.....	.....
July 8.....1863	John H. Frick	Philadelphia.....	December 31... 1863
November 28..... ...1863	Alister M. Grant	Philadelphia.....	February 26 1864
May 25..... 1863	Bernard Sharkey...	Philadelphia.....	.....

RHODE ISLAND.

March 4... 1862	Henry Martin.	Providence..	April 23..... 1862

SOUTH CAROLINA.

July 31.....1860	Hugh E. Vincent.....	Charleston.....	.....

TENNESSEE.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
January 23.....1861	John M. White.....	Lebanon.....	March 1.....1861
January 24.....1861	E. A. Raworth	Nashville.....	....
January 31.....1861	H. P. Bostick.....	Nashville.....	.....

WISCONSIN.

March 6..... 1862	Wm. H. Starkweather...	Milwaukie.....	.....
May 13.....1862	H. L. Page.....	Milwaukie...	July 11.....1862

DISTRICT OF COLUMBIA.

November 8.....1860	H. C. Spalding.....	Washington.....	December 13.....1860
February 16 1862	J. S. Hollingshead.....	Washington.....	.....
April 9. 1863	William Fitch.....	Washington.....	.....
April 18.....1863	W. Irving Gilbert.....	Washington.....	.....

ARIZONA TERRITORY.

March 21..... 1861	Calvin McCloskey.....	.....	.....
July 2.....1863	Frank H. Skinner..	.....	July 20.....1863
July 8.....1863	M. D. Fairchild.....	.....	.....
July 27.....1863	C. W. C. Rowell.....	.....	August 30..... 1863
August 6.....1863	George G. Webster	.....	August 27..... 1863
August 11..... 1863	Charles H. Brinley	La Paz.	September 14.. 1863
October 20.....1863	Frederick A. Wilder.....	.....	November 7.....1863
January 2.....1864	James Dunlevy..	La Paz.	.....
January 25.....1864	Wm. Butterfield..	Castle Dome City.....	February 23 1864

IDAHO TERRITORY.

February 18..... ...1864	Lewis H. Robie..	Bannock City.....	February 19 1864

NEVADA TERRITORY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 16.....1861	T. A. Waterman.....	Virginia City.....	.....
March 30.....1861	John W. Grier	Silver City.....	April 6.....1861
March 30.....1861	Thomas Hanna.....	Gold Hill.....	April 18.....1861
April 4.....1861	Samuel D. King.....	Carson City.....	June 1 1861
April 5.....1861	T. G. Battaile.....	Virginia City.....	April 12.....1861
May 4.....1861	George E. Brickett	Virginia City.....	December 17.....1860
May 4.....1861	R. W. Billett.....	.....	September 3 1861
May 7.....1861	Wm. Fell.....	Virginia City.....	May 13.....1861
May 4.....1861	S. B. Mills.....	.....	.....
May 4.....1861	P. W. Van Winkle.....	Carson City.....	January 1..... 1861
May 29.....1861	Wm. J. Whitney	.....	May 29.....1861
June 28 1861	J. F. Atwill.....	Virginia City.....	July 2.....1861
July 27..... 1861	C. W. Jones	Silver City.....	....
August 24.....1861	George S. Pearson.....	Carson City.....	.....
September 28..... 1861	John V. A. Lansing.....	Gold Hill.....	December 13..... 1861
October 7.....1861	Wm. Haydon.....	Virginia City.....	December 3. 1861
November 21.....1861	J. G. Howard	Virginia City.....	November 27.....1861
November 26.....1861	R. B. Moyes.....	Virginia City.....	December 2. 1861
December 19. 1861	Theodore A. Hale.....	Gold Hill.....	January 21.....1862
January 3..... 1862	M. L. McDonald	Van Syckles.....	April 24.....1862
February 24..... 1862	N. W. Winten	Virginia City.....	March 4.....1862
March 4 1862	D. M. Hanson	Virginia City	April 23..... 1862
April 16.....1862	R. N. Allen.....	Genoa.....	May 1.....1862
April 28.....1862	Samuel Wasserman.....	Virginia City.....	May 3.....1862
May 22.....1862	Thomas B. Smithson....	Humboldt City.....	.....
May 31.....1862	R. E. Arick.	Virginia City.....	June 6.....1862
May 31..... 1862	James C. George	Virginia City.....	June 20.....1862
June 12.....1862	S. F. King.....	Gold Hill.....	July 7..... 1862
July 3..... 1862	A. K. P. Safford.....	Unionville.....	.....
October 7.....1862	Joel A. Harvey.....	Genoa.....	October 28.....1862
October 8. 1862	C. A. Sumner.....	Virginia City.....	October 11.....1862
October 25..... 1862	Philip E. Shannor.	Washoe City.....	November 3.....1862
November 4.....1862	N. A. H. Ball.....	.....	....
November 18.....1862	W. A. M. Van Bokkelen	Virginia City.....	December 15.....1862
November 22.....1862	H. Smeathman.....	Starr City	December 31.....1862
November 25.....1862	J. W. Strong.....	Unionville.....	December 17.....1862
November 28.....1862	M. F. Truett.....	Unionville.....	December 5. 1862
November 28.....1862	Wm. H. H. Fall.....	Carson City.....	December 2. 1862
December 11.....1862	Joseph Micholson.....	Starr City	January 1.....1863
December 16.....1862	Thos. L. Kimball.....	Virginia City.....	February 25 1863
December 18.....1862	Daniel Murray.....	Susanville.....	.....
December 29.....1862	Elisha A. Marsh.....	.....	March 5..... 1863
January 4.....1863	James D. Meagher	Virginia City.....	April 27 1863
January 28.....1863	Samuel H. Wright.....	Virginia City.....	April 10.....1863
February 2..... 1863	R. D. Ferguson.....	Virginia City.....	April 14.....1863
February 12 1863	Fred. A. Tritle.....	Virginia City.....	February 20 1863
February 28 1863	J. A. Van Arsdale.	Jacob's Creek.....	.....
March 4.....1863	A. W. Russell.....	Dayton.....	April 3. 1863
March 6.....1863	Morris W. Starling	Dayton.....	March 23.....1863
March 11. 1863	E. E. Eyre.....	.....	....
March 26. 1863	J. J. Dunne.....	Starr City	March 27. 1863
March 26. 1863	G. E. Talmadge.	.....	April 13.....1863
March 28. 1863	John W. Clark.....	Clifton (Reese River) ...	.....
April 7. 1863	H. A. Pierce.....	.....	.....
April 11.....1863	O. M. Evans.....	Unionville.....	April 4..... 1863
April 13.....1863	Thompson Campbell.....	Lander City.....	April 22..... 1863
.....	E. W. Counellman.....	....	.....
.....	Julius E. Garnet	.....	....
April 29.....1863	Charles F. Duval.....	Virginia City.....	.....
April 29..... ..1863	P. M. Johns.....	Humboldt	.....
April 29.....1863	Thomas J. Tennent.....	Clifton.....	.....
April 29.....1863	T. O. Wakeman.....	Peavine.....	May 7 1863
May 21.....1863	John Mallon.....	Virginia City.....	June 1..... 1863
May 25.....1863	Henry M. Morgan.....	Virginia City.....	May 28..... 1863

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
June 1.....1863	Miles A. Mitchell.....	Virginia City..	June 9.. 1863
June 2.....1863	J. B. Low	Gold Hill.....	.....
June 5.....1863	Peter N. Ryan.....	Virginia City..	June 5.. 1863
June 5..... 1863	Thomas Barclay.....	Virginia City.....	June 5 1863
June 12..... 1863	Edmund S. Davis...	Austin..	December 5.....1863
July 2..... ...1863	Alpheus W. Smith.	Clifton.....	July 15.....1863
July 8..... 1863	Walter Ringold..	Virginia City.....	....
July 8.....1863	W. H. Jones...	Virginia City..	.....
July 10 1863	Marcus D. Larrowis.. ...	Austin..	.....
July 10..... .1863	George W. Kinney.....	.....	.....
July 10.....1863	Thomas J. Murphy	Clifton..	.....
July 10.....1863	Wm. L. Crowell.....	Gold Hill.....	.....
July 10.....1863	Wm. L. Card..	Silver City.....	August 8.....1863
July 27.....1863	B. F. Moses	Virginia City.....	August 1.....1863
July 27.....1863	L. E. Buckley.....	Virginia City.....	August 19 1863
July 27.....1863	E. F. Dunn.	Starr City	August 4.....1863
August 3.....1863	Wm. E. Hale..	Gold Hill.	September 8 1863
August 3.....1863	B. F. Leet.....	Carson City.....	....
August 4.....1863	George G. Burnett.....	Gold Hill.	August 7.....1863
August 4.. 1863	Baldwin Gardiner, Jr...	Austin.....	September 16..... ..1863
August 6.....1863	David Bush.....	Virginia City..	August 19.....1863
August 8.....1863	George W. Turney.....	Gold Hill.	August 26.....1863
August 11 1863	Edwin D. Pepper.....	Virginia City	.....
August 11.....1863	Samuel H. Parsons	Carson City.....	August 22.....1863
August 11.....1863	Thomas K. Munk..	Virginia City.....	August 14.....1863
August 29.....1863	P. G. Clark.....	Virginia City.....	September 4 1863
August 29.....1863	Wm. L. Hoover..	Virginia City..	September 8 1863
August 29.....1863	Wm. B. Little.	Austin.....	.....
August 31.....1863	Gustavus A. Swasey.....	.....	September 21.....1863
September 1.....1863	Henry J. Labatt.....	Austin.....	September 5 1863
September 11.....1863	E. D. Blair..	Austin..	.....
September 11.....1863	W. F. Stevens.....	Starr City	September 16.. 1863
September 14.....1863	Wm. C. Daggett.	Austin.....	.....
September 18.....1863	Charles J. Leonard, Jr..	Austin..	.....
September 18 1863	R. J. Merkley.....	Silver City.....	.....
September 19.....1863	M. A. Sawtelle.....	Austin.....	October 12... 1863
September 20.....1863	Bartholomew Shay.....	Austin.....	November 13.....1863
September 21 1863	F. K. Bechtel.....	Aurora.....	....
September 24.....1863	W. H. D. Morrell.....	Virginia City..	.....
September 24.....1863	Isaac Allen.	Austin..	October 10.....1863
September 25.....1863	J. W. Coleman...	Austin.....	October 3. 1863
September 29.....1863	W. H. McClure.....	Austin..	.....
October 10.....1863	J. H. Warwick.....	Austin.....	October 22.....1863
October 10.....1863	J. B. Bourne.....	Austin.....	December 5.....1863
October 10.....1863	W. J. Berry	Austin..	.....
October 20.....1863	Frank Wilder.....	.....	.....
October 30 1863	M. J. Power	Austin.....	.....
November 7..... 1863	E. A. Protoise.....	Virginia City.....	November 14 1863
November 10.....1863	Wm. T. Higgins.....	Austin.....	....
November 13..... ..1863	Edward Cahill	Virginia City.....	November 17.....1863
November 13.....1863	Cyrus Leland.....	Austin..	....
November 16.....1863	E. R. S. Murphy.....	Austin.....	November 21.....1863
November 16 1863	Andrew J. Hatch...	Washoe City.....	December 11.....1863
November 16.....1863	Robert Wilson	Virginia City..	January 6 1864
November 20..... ..1863	Henry Jacobs.....	Austin..	November 25.....1863
November 23.....1863	Richard Brown.....	Austin..	December 10... 1863
November 23.....1863	H. W. Beatty.....	Austin..	December 4. 1863
November 23.....1863	J. M. Dawley.....	Austin..	November 27..... ...1863
November 27.....1863	Wm. C. Meredith...	Austin..	December 7. 1863
November 28..... ..1863	George H. Bradshaw....	Clifton.....	.....
December 4.....1863	C. W. Baker...	Union City..	.....
December 18... 1863	Charles H. Dexter.	Austin.....	.....
December 19.....1863	Sidney C. Herbert.....	Austin..	.....
December 30.....1863	W. A. Holcomb.....	Unionville.....	January 7.....1864
January 2.....1864	Joseph E. Molony.....	Austin..	.....
January 8.....1864	Herman Muller.....	Virginia City..	.....
January 8.....1864	M. J. Farrell.....	Austin..	.....
January 9.....1864	George R. Foard.....	Washington.....	January 22..... ..1864

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
January 25 1864	John Hanna, 2d.....	Austin..	.....
February 1.. 1864	L. C. McKeeby.....	Carson City.....	February 10 1864
February 3.. 1864	David H. Hall	Austin..	.....
February 10 1864	Thomas A. Hale.....	Virginia City..	April 2..... 1864
February 12 1864	A. S. Pease.....	Silver City...	February 19 1864
February 13 1864	Joseph Jacobs	Austin..	February 23 1864
February 17.....1864	Oscar Shuck.....	Virginia City	.....
February 19 1864	J. Blackburn Jones.....	Austin..	.....
February 19 1864	Richard Lambert.....	Austin..	February 14.....1864
February 20 1864	O. W. Briggs..	Austin..	.....
February 27 1864	H. L. Blodgett.....	Virginia City..	April 16 1864
March 1.....1864	F. B. Haswell.....	Virginia City..	....

TERRITORY OF NEW MEXICO.

March 12..... ..1861	H. N. Squire.....	.....	.....
March 27.....1861	J. C. Cooper.....	.....	....
March 5.....1863	Mahlon D. Fairchild....	....	May 5 1863
April 1.....1863	Frederick G. Fitch	La Paz.	.....
April 4.....1863	C. H. Brinley.....	....	.....
July 10..... 1863	Theo. S. Greiner	Santa Fe..	.....

UTAH TERRITORY.

April 7..... 1860	C. C. Bolton	Great Salt Lake.....	.....
April 28.....1862	E. D. Woolley.....	Great Salt Lake.....	....

WASHINGTON TERRITORY.

October 8.....1861	H. M. McGill.....	Olympia...	October 29... 1861
March 4.....1862	John D. Biles.....	Vancouver...	March 17. 1862
March 4.....1862	W. A. Knapp..	Salmon River.....	March 19.....1862
May 2.....1862	A. D. Downer.....	.....	May 28..... 1862
February 27 1863	B. F. Dennison.....	Port Townsend.....	March 28. 1863

BRITISH COLUMBIA.

April 17.....1860	George Pearkes..	Victoria.....	May 30.....1860
March 22. 1862	George E. Dennis.....	Victoria.....	March 29. 1862
April 16 1862	Edgar Marvin.....	Victoria.....	.....

CHINESE EMPIRE.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
December 17. 1862	Gideon Nye.....	Macao..	....

KINGDOM OF GREAT BRITAIN AND IRELAND.

November 9 1861	John Lawless.....	Dublin.....	March 12. 1862
December 13.. 1861	Thomas Casey	Newry..	.....
December 13.....1861	John O'Donnell.....	Limerick..	.....
December 13.....1861	Martin A. O'Brennan...	Tuam.....	March 15. 1862
December 26.....1861	Daniel O'Regan.....	Cork.	.....
December 26.....1861	—— Ray.	Belfast.....	....

HAWAIIAN KINGDOM.

August 14.....1860	John Paty.....	Honolulu.....	October 30.....1860

REPUBLIC OF MEXICO.

January 17.....1861	John L. Jenks	Guaymas.....	January 25.....1861
January 23.....1861	John Kelly.....	Mazatlan.....	....
March 16. 1861	Daniel E. Cameron	Guaymas.....	.....

KINGDOM OF SIAM.

December 17 1862	J. P. Goodale.....	Bangkok.....	.....

Declaration of Independence.

DECLARATION OF INDEPENDENCE, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise—the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made Judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our Legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws—giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us ;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States ;

For cutting off our trade with all parts of the world ;

For imposing taxes on us without our consent ;

For depriving us, in many cases, of the benefits of trial by jury ;

For transporting us beyond seas to be tried for pretended offences ;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies ;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments ;

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their Legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these united Colonies are and of right ought to be free and independent States ; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved ; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK,
SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY,
JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON,
STEPHEN HOPKINS,
WILLIAM ELLERY,
CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN,
ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,

JOHN HART,
ABRAHAM CLARK,
WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN,
ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
OLIVER WOLCOTT,
SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL,
of Carrollton,
WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS,

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS,
EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON,
BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

Constitution of the United States,

AND AMENDMENTS.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

OF THE LEGISLATIVE POWER.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

OF THE HOUSE OF REPRESENTATIVES.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

OF THE SENATE.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the

Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and have a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honer, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

MANNER OF ELECTING MEMBERS.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of chosing Senators.

CONGRESS TO ASSEMBLE ANNUALLY.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

COMPENSATION, ETC., OF MEMBERS.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

MANNER OF PASSING BILLS, ETC.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings;

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

LIMITATION OF THE POWERS OF CONGRESS.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, prince, or foreign state.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE POWER.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

MANNER OF ELECTING.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President. (1)

TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

WHO ELIGIBLE.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE-PRESIDENT.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

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(1) This clause has been superseded by the 12th amendment to the Constitution.

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

OATH.

Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

POWERS AND DUTIES.

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided, two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the Courts of law, or in the heads of Departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

OFFICERS REMOVED.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

OF THE JUDICIARY.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

JURISDICTION OF SUPREME COURT.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases beforementioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

OF TRIALS AND CRIMES.

The trials of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed

within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

OF TREASON.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

STATE ACTS.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

PRIVILEGES OF CITIZENS.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

RUNAWAYS TO BE DELIVERED UP.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

NEW STATES.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

AMENDMENTS.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

DEBTS.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

SUPREME LAW OF THE LAND.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the Supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

OATH—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.
WM. SAMUEL JOHNSON,
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, JR.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.
JAMES M'HENRY.
DANIEL OF ST. THO. JENIFER,
DANIEL CARROLL,

VIRGINIA.
JOHN BLAIR,
JAMES MADISON, JR.

NORTH CAROLINA.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

SOUTH CAROLINA.
JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest: WILLIAM JACKSON, Secretary.

AMENDMENTS.

ARTICLE I.

FREE EXERCISE OF RELIGION, ETC.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.—[*Proposed Sept.* 25, 1789 ; *ratified Dec.* 15, 1791.

ARTICLE II.

RIGHT TO BEAR ARMS.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—[*Id.*

ARTICLE III.

NO SOLDIER TO BE BILLETED, ETC.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.—[*Id.*

ARTICLE IV.

UNREASONABLE SEARCHES PROHIBITED.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.—[*Id.*

ARTICLE V.

CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation. —[*Id.*

ARTICLE VI.

MODE OF TRIAL.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which dis-

trict shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.—[*Id.*

ARTICLE VII.

RIGHT OF TRIAL BY JURY.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any Court of the United States than according to the rules of common law.—[*Id.*

ARTICLE VIII.

BAIL—FINES.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—[*Id.*

ARTICLE IX.

RIGHTS NOT ENUMERATED.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—[*Id.*

ARTICLE X.

RIGHTS RESERVED.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.—[*Id.*

ARTICLE XI.

LIMITATION OF JUDICIAL POWER.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by the citizens of another State, or by citizens or subjects of any foreign State.—[*Proposed March* 5, 1794; *ratified Jan.* 8, 1798.

ARTICLE XII.

ELECTION OF PRESIDENT.

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of Electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote, a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.—[*Proposed Dec.* 12, 1803; *ratified Sept.* 25, 1804.

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE; RATIFIED BY THE PEOPLE, NOVEMBER THIRTEENTH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED EIGHTEEN HUNDRED AND SIXTY-TWO.

We, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

Sec. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusal punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 7. All persons shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great.

Sec. 8. No person shall be held to answer for a capital or otherwise infamous crime, (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature,) unless on presentment or indictment of a grand jury; and in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No persons shall be subject to be twice put in jeopardy for the same offence, nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Sec. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge

the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on *mesne* or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners who are or who may hereafter become *bona fide* residents of this State, shall enjoy the same rights, in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

SEC. 19. The right of The People to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the Treaty of Peace exchanged and ratified at Querétaro, on the thirtieth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; provided, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage, Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any Alms House or other asylum at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.—[*Amended*, 1862.]

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.—[*Amended*, 1862.]

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election.—[*Amended*, 1862.]

SEC. 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.—[*Amended*, 1862.]

SEC. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

SEC. 8. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

SEC. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 10. Each House shall determine the rules of its own proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

SEC. 11. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

SEC. 17. Every bill which may have passed the Legislature, shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two thirds of the members of each House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, (Sundays excepted,) the same shall be a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

SEC. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such a manner as the Legislature may provide.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that officers in the militia, to which there is attached no annual salary, or local officers, and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust, or profit, under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the Treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public Treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case, the Act revised, or section amended, shall be re-enacted and published at length.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, at such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

SEC. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts, as such county may by apportionment be entitled to.—[*Amended*, 1862.]

SEC. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators, and other means, as may be prescribed by law.

SEC. 33. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

SEC. 35. The Legislature of this State shall prohibit by law any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

SEC. 36. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

SEC. 38. In all elections by the Legislature, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to Article Four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said Amendments.—[*Amended*, 1862.]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.—[*Amended*, 1862.]

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army, and navy, of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 15. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.—[*Amended*, 1862.]

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative

and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as many be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said Amendments.—[*Amended*, 1862.]

SEC. 20. The Controller, Treasurer, Attorney-General, and Surveyor-General, shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places and in the same manner as the Governor and Lieutenant-Governor.

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, shall each, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.—[*Amended*, 1862.]

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.—[*Amended*, 1862.]

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.—[*Amended*, 1862.]

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also, in all criminal cases amounting to felony on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also, all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.—[*Amended*, 1862.]

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration, from time to time, by a two thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days, shall be deemed to have forfeited his office.—[*Amended*, 1862.]

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also, in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective districts.—[*Amended*, 1862.]

SEC. 7. There shall be, in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may separate

the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.—[*Amended*, 1862.]

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace, and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties.—[*Amended*, 1862.]

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.—[*Amended*, 1862.]

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.—[*Amended*, 1862.]

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform Chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.—[*Amended*, 1862.]

SEC. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.—[*Amended*, 1862.]

SEC. 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office.—[*Amended*, 1862.]

SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.—[*Amended*, 1862.]

SEC. 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the County Treasury of their respective counties.—[*Amended*, 1862.]

SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office, during the term for which they shall have been elected.—[*Amended*, 1862.]

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—[*Amended*, 1862.]

SEC. 18. The style of all process shall be: "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.—[*Amended*, 1862.]

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to said Article Six by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said Amendments.—[*Amended*, 1862.]

ARTICLE VII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII.

STATE DEBTS.

The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum

of three hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[*Amended*, 1862.]

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the Public Lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual Fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State.

SEC. 3. The Legislature shall provide for a system of Common Schools, by which a school shall be kept up and supported in each district at least three months in every year, and any School District neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public Fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent Fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts, and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if, at any time, two thirds of the Senate and Assembly shall think it necessary to revise or change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention, and if it shall appear that a majority of the electors, voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide, by law, for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members, not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed, the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive

of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election, be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[*Amended November* 4, 1856.]

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San José; which place shall be the permanent seat of government, until removed by law; *provided*, however, that two thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, Executive and Judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability."

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

SEC. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county; and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

SEC. 8. The fiscal year shall commence on the first day of July.

SEC. 9. Each county, town, city, and incorporated village, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 10. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

SEC. 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county, and State taxes, shall be elected by the qualified electors of the district, county, or town, in which the property taxed for State, county, or town purposes is situated.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 15. The Legislature shall protect by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 17. Every person shall be disqualified from holding any office of profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 19. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 21. All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude, until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west, and along said boundary line, to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction, and following the direction of the Pacific Coast, to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude, to the place of beginning. Also, all the islands, harbors, and bays, along and adjacent to the coast.

SCHEDULE.

SECTION 1. All rights, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect, to Courts created by the same.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California, declared a legal voter by this Constitution, and every citizen of the United States, a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people, for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or in case of vacancy, the Sub-Prefects, or senior Judge of First Instance, to cause such election to be held on the day aforesaid, in their respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefects, Sub-Prefects, or senior Judge of First Instance, ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll list shall be kept by the Judges and Inspectors of Election. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the votes of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed, "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election, the Judges and Inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or senior Judge of First Instance, shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

SEC. 8. At the general election aforesaid, viz., the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, Members of the Legislature, and also, two Members of Congress.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next, and in order to complete the organization of that body, the Senate shall elect a President *pro tempore*, until the Lieutenant-Governor shall be installed into office.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

SEC. 12. The Senators and Representatives to the Congress of the United States, elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

SEC. 13. All officers of this State, other than Members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

SEC. 14. Until the Legislature shall divide the State into counties and Senatorial and Assembly Districts, as directed by this Constitution, the following shall be the apportionment of the two Houses of the Legislature, viz: the Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of Members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles travel by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

SEC. 16. The limitation of the powers of the Legislature contained in Article Eighth of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

R. SEMPLE,
President, and Delegate from Benicia.

WM. G. MARCY, Secretary.

JOSEPH ARAM,
CH. T. BOTTS,
ELAM BROWN,
ELISHA O. CROSBY,
JOSÉ M. COVARUBIAS,
STEPHEN C. FOSTER,
PABLO DE LA GUERRA,
LEWIS DENT,
KIMBALL H. DIMMICK,
A. J. ELLIS,
JOSÉ ANTO. CARRILLO,
WM. M. GWIN,
EDW. GILBERT,
HENRY HILL,
J. D. HOPPE,
JOSEPH HOBSON,
JULIAN HANKS,
H. W. HALLECK,
L. W. HASTINGS,
J. McHENRY HOLLINGSWORTH,
JAS. McHALL JONES,
THOMAS O. LARKIN,
FRANCIS J. LIPPITT,
BENJ. S. LIPPINCOTT,
BENJ. F. MOORE,
RODMAN M. PRICE,
JNO. McDOUGAL,
MAN'L DOMINGUEZ,
MYRON NORTON,
PACIFICUS ORD,
MIGUEL DE PEDRORENA,
M. M. McCARVER,
ANTONIO MA. PICO,
JACINTO RODRIGUEZ,
HUGH REID,
J. A. SUTTER,
JACOB R. SNYDER,
WINFIELD SCOTT SHERWOOD,
WILLIAM E. SHANNON,
ABEL STEARNS,
P. SANSEVAIN,
WM. M. STEUART,
HENRY A. TEFFT,
M. G. VALLEJO,
THOS. L. VERMEULE,
J. P. WALKER,
O. M. WOZENCRAFT.

EMANCIPATION AND AMNESTY

PROCLAMATIONS.

PRELIMINARY EMANCIPATION PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

I, Abraham Lincoln, President of the United States of America, and Commander-in-Chief of the Army and Navy thereof, do hereby proclaim and declare, that hereafter, as before, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and the people thereof in which States that relation is or may be suspended or disturbed; that it is my purpose, upon the next meeting of Congress, to again recommend the adoption of a practical measure tendering pecuniary aid for the free acceptance or rejection of all the slave States, so called, the people whereof may not then be in rebellion against the United States, and which States may then have voluntarily adopted, or thereafter may voluntarily adopt, the immediate or gradual abolishment of slavery within their respective limits, and that the efforts to colonize persons of African descent, with their consent, upon the continent or elsewhere, with the previously obtained consent of the Governments existing there, will be continued.

That on the first day of January, in the year of our Lord eighteen hundred and sixty-three, all persons held as slaves within any State, or any designated parts of a State, the people whereof shall then be in rebellion against the United States, shall then be thenceforward and forever free, and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in the efforts they may make for their actual freedom.

That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States in which the people thereof respectively shall then be in rebellion against the United States, and the fact that any State or the people thereof shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherever a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State and the people thereof have not been in rebellion against the United States.

That attention is hereby called to an Act of Congress entitled an Act to make an additional article of war, approved March thirteenth, eighteen hundred and sixty-two, which Act is in the words and figures following:

"Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such:

"ARTICLE 1. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor, who may have escaped from any person to whom such service or labor is claimed to be due, and any officer who shall be found guilty by a Court-Martial of violating this article shall be dismissed from the service.

"ARTICLE 2. And be it further enacted, That this Act shall take effect from and after its passage."

Also, to the ninth and tenth sections of an Act entitled an Act to suppress insurrection and to punish treason and rebellion, to seize and confiscate property of rebels, and other purposes, approved July 17, 1862, and which sections are in the words and figures following:

"SEC. 9. And that it be further enacted, That all slaves of persons who shall hereafter be engaged in rebellion against the Government of the United States, or who shall in any way give

aid or comfort thereto, and escaping from such persons and taking refuge within the line of the army, and all slaves captured from such persons, or deserted by them and coming under the control of the Government of the United States, and all slaves of such persons on or being within any place occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again serve as slaves.

"SEC. 10. And be it further enacted, That no slave escaping into any slave territory, or the District of Columbia, from any of the States, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime or some offence against the law, unless the person claiming said fugitive shall first make oath that the person to whom the labor or servitude of such fugitive is alleged to be due is his lawful owner, and has not been in arms against the United States in the present rebellion, nor in any way given aid or comfort thereto; and no person engaged in the military or naval service of the United States shall, under any pretence whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service."

And I do hereby enjoin upon and order all persons engaged in the military and naval service of the United States to observe, obey, and enforce, within their respective spheres of service, the Act and sections above recited, and the Executive will in due time recommend that all citizens of the United States who shall have remained loyal thereto throughout the rebellion, shall, upon the restoration of the constitutional relations between the United States and the respective States and the people thereof wherein the relation shall have been suspended or disturbed, be compensated for all losses by acts of the United States, including the loss of slaves.

In witness thereof I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington, this the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

W. H. SEWARD, Secretary of State.

EMANCIPATION PROCLAMATION.

I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day of the first above mentioned order, and designate as the States and parts of States wherein the people thereof respectively are this day in rebellion against the United States the following, to wit: Arkansas, Texas, Louisiana—except the parishes of St. Bernard, Placquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans — Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia—except the forty-eight counties designated as West Virginia, and also the Counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the Cities of Norfolk and Portsmouth, and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons. And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that in all cases, when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington, the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, Secretary of State.

AMNESTY PROCLAMATION.

WHEREAS, in and by the Constitution of the United States it is provided that the President shall have power to grant reprieves and pardons for all offences against the United States, except in cases of impeachment; and, whereas, a rebellion now exists whereby the loyal States and the Governments of the several States have for a long time been subverted, and many persons have been committing and are now guilty of treason against the United States; and, whereas, with reference to said rebellion and treason, laws have been enacted by Congress calling for the forfeiture and confiscation of property and the liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon, or amnesty, with such exceptions and on such terms and on such conditions as he may deem expedient for the public welfare; and, whereas, the Congressional declaration for limited and conditional pardon accords with well established judicial expositions of the pardoning power; and, whereas, with reference to said rebellion the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves; and, whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and re-inaugurate loyal State Governments within and for their respective States:

Therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known, to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is granted to them and each of them, with restoration of all rights, if third parties shall have intervened, and upon the condition that they—such persons—shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of States thereunder, and that I will in like manner abide by and faithfully support all Acts of Congress passed during the existing rebellion with reference to slaves so long and so far as not modified or repealed, or held void by Congress or by a decision of the Supreme Court, and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by a decision of the Supreme Court; so help me, God!"

The persons excepted from the benefits of the foregoing provisions are all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of or above the rank of Colonel in the army, or Lieutenant in the navy; all who left seats in the United States Congress to aid in the rebellion; all who resigned their commissions in the army and navy of the United States and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may be found in the United States service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known, that whenever in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tenessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one tenth of the number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty—each having taken the oath aforesaid and not having since violated it, being a qualified

voter by the election laws of the State, existing immediately before the so-called Act of Secession, and excluding all others—shall be established a State Government, which shall be republican and in nowise contravening said oath, such shall be recognized as the true Government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion on application of the Legislature, or the Executive when the Legislature cannot be convened, against domestic violence.

Second—I do further proclaim, declare, and make known, that any provision which may be adopted by such State Government in relation to the freed people of such State, which has or which shall recognize and declare their permanent freedom and provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive; and it is suggested as not improper that in constructing a loyal State Government in any State, the name of the boundary, the subdivision, the Constitution, and the Federal code of laws, as before the rebellion, be maintained, subject only to modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening such condition, which may be deemed expedient by those framing the new State Government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State Governments, has no reference to States wherein loyal State Governments have all the while been maintained. For the same reasons, it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats conventionally, rests exclusively with the respective Houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present to the people of the States wherein the National authority has been subverted a mode by which the National authority over every loyal State Government may be established within said States, or any of them. And while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that another possible mode would not be accepted.

Given under my hand at the City of Washington, the eighth day of December, A. D. one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

A. LINCOLN.

By the President:

W. H. SEWARD, Secretary of State.

SUPPLEMENTAL AMNESTY PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

WHEREAS, it has become necessary to define the case in which insurgent enemies are entitled to the benefits of the proclamation of the President of the United States, which was made on the eighth day of December, eighteen hundred and sixty-three, and the manner in which they shall proceed to avail themselves of these benefits; and whereas, the objects of that proclamation were to suppress the insurrection and to restore the authority of the United States; and whereas, the amnesty therein proposed by the President was offered with reference to these objects alone:

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby proclaim and declare that the said proclamation does not apply to the cases of persons who, at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed, are in military, naval, or civil confinement or custody, or under bonds, or on parole of the civil, military, or naval authorities or agents of the United States, as prisoners of war, or persons detained for offences of any kind, either before or after conviction, and that, on the contrary, it does apply only to those persons who, being yet at large, and free from any arrest, confinement, or duress, shall voluntarily come forward and take the oath, with the purpose of restoring peace and establishing the National authority.

Prisoners excluded from the amnesty offered in said proclamation may apply to the President for clemency like all other offenders, and their applications will receive due consideration.

I do further declare and proclaim, that the oath prescribed in the aforesaid proclamation of the eighth of December, eighteen hundred and sixty-three, may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or any civil or military officer of a State or Territory not in insurrection, who, by the laws thereof, may be qualified for administering oaths.

All officers who receive such oaths are hereby authorized to give certificates thereon, the persons respectively by whom they are made, and such officers are hereby required to transmit the original records of such oaths at as early a day as may be convenient, to the Department of State, where they will be deposited and remain in the archives of the Government.

The Secretary of State will keep a registry thereof, and will, on application in proper places, issue certificates of such records in the customary form of official certificates.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done in the City of Washington, the twenty-ninth day of March, in the year of Our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, Secretary of State.

STATUTES.

STATUTES OF CALIFORNIA,

PASSED AT THE

FIFTEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.—*An Act providing for the Transfer of Cases, on the first day of January next, to the Courts established by the present Constitution.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all actions, suits, prosecutions, causes, pleas, process, proceedings, files, seals, rules, records, and books, and all pleadings and papers relative to any case, civil or criminal, (which might have been cognizable in the Courts established by the present Constitution,) now belonging to, pending in, or returnable to, or which may hereafter be brought in the several Courts of this State superseded by the present Constitution, in manner following, that is to say: All such as shall on the first day of January next be pending and undetermined in the present Supreme Court, shall be and are hereby declared to be respectively transferred, continued to, and vested in the Supreme Court established by the present Constitution, and shall be heard, tried, and determined therein, in the same manner as if originally appealed to, brought, entered, prosecuted, or had, in such Supreme Court; and the Clerk of the said Supreme Court shall perform the same duties and shall be entitled to receive the same fees and emoluments which are by law established for the Clerk of the present Supreme Court. All such as shall on the first day of January next be depending and undetermined in the District Courts of this State shall be and are hereby declared to be respectively transferred, continued to, and vested in the District Courts of the several counties of this State established by the present Constitution, and shall be heard, tried,

Transfer of cases.

In Supreme Court.

In District Courts.

and determined therein, in the same manner as if originally brought, entered, prosecuted, or had, in such District Courts; and the respective Clerks of the said District Courts shall perform the same duties and shall be entitled to receive the same fees and emoluments which are by law established for the Clerks of the present District Courts. All such as shall on the first day of January next be depending and undetermined in the County and Probate Courts of this State, except the Probate Court of the City and County of San Francisco, shall be and are hereby declared to be respectively transferred, continued to, and vested in the County and Probate Courts established by the present Constitution, and shall be heard, tried, and determined therein, in the same manner as if originally brought, entered, prosecuted, or had, in such County and Probate Courts; and the respective Clerks of the said Courts shall perform the same duties and shall be entitled to receive the same fees and emoluments which are by law established for the Clerks of the present County and Probate Courts. All such as shall on the first day of January next be depending and undetermined in the Probate Court of the County of San Francisco shall be and are hereby declared to be respectively transferred, continued to, and vested in the Probate Court of the City and County of San Francisco, established by an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, approved April twentieth, one thousand eight hundred and sixty-three, and shall be heard, tried, and determined therein in the same manner as if originally brought, prosecuted, or had, in such Probate Court, established as aforesaid; and the Clerk of said Court shall perform the same duties and shall be entitled to receive the same fees and emoluments which are by law established for the Clerk of the present Probate Court of the County of San Francisco. All such as shall on the first day of January next be depending and undetermined in the Recorders' and other inferior Municipal Courts of this State, shall be and are hereby declared to be respectively transferred, continued to, and vested in the Recorders' and other inferior Courts established by an Act concerning the Courts of Justice of this State, and judicial officers, approved April twentieth, one thousand eight hundred and sixty-three, and shall be heard, tried, and determined therein in the same manner as if originally brought, prosecuted, or had, in such Recorders' and inferior Courts; and no bail bond, or bond of any kind, or recognizance, taken in any action, suit, prosecution, proceeding, or cause, transferred to any or either of the Courts mentioned in this Act, shall thereby be avoided, impaired, or invalidated.

In County and Probate Courts.

In Probate Court of San Francisco County.

In Recorders' Courts.

In Justices' Courts.

SEC. 2. In all actions, suits, prosecutions, causes, pleas, process, and proceedings, which might have been brought and could have been cognizable in the Justices' Courts in the several townships and cities of this State, established by an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, approved April twentieth, one thousand eight hundred and sixty-three, that are on the first day of January next pending and undetermined in the present Justices' Courts of the several townships and cities of this State, shall be and are

hereby declared to be transferred, continued to, and vested in, the said Justices' Courts, established by the Act aforesaid; and the said Justices shall proceed to hear and determine such cases according to the course of proceedings in Justices' Courts. And all actions of forcible entry and detainer pending and undetermined in the said Justices' Courts of the several townships and cities of this State on the said first day of January next, shall be and are hereby declared to be transferred to and vested in the County Courts established by the present Constitution; and it shall be the duty of the respective Justices of the several townships and cities of this State to transmit to the said County Courts all papers filed in such actions, and a certified copy of all orders made therein, and then and thereafter said County Court shall proceed to hear, try, and determine such action in all respects as if the same had been originally instituted in said County Court; and in all appeals in said actions of forcible entry and detainer now pending in or hereafter appealed to said County Court, which shall on the first day of January next be pending and undetermined therein, the same shall be heard, tried, and determined, in all respects as if no appeal had been taken, and the same had been transferred under and in conformity with the provisions of this Act.

Duties of Justices.

Sec. 3. All proceedings in cases of insolvency, or arson, pending and undetermined in the District Courts of the several counties of this State on the first day of January next, shall be and the same are hereby declared to be transferred to the County Courts of this State established by the present Constitution; and it shall be the duty of the Clerks of the said District Courts to transmit to the said County Courts all papers filed in such proceedings, and a certified copy of all orders made therein, and then and thereafter the said County Court shall proceed to hear and determine such cases as if said proceedings in insolvency or arson had been originally instituted and prosecuted in said County Court.

Cases transferred to County Courts.

Sec. 4. In all cases which on the first day of January next shall be pending and undetermined in any District Court, when the amount in dispute is less than three hundred dollars, and of which a Justice's Court may have jurisdiction, said District Court, on motion of either party, after due notice, shall, by an order entered on the minutes, transfer such cases to a proper Justice's Court for trial, and the Clerk of said District Court shall thereupon immediately transmit to said Justice's Court all papers filed in such cases, and a certified copy of all orders made therein; and then and thereafter said Justices' Court shall have full jurisdiction thereof, and shall proceed, upon at least two days notice to the parties, to hear and determine such cases according to the course of proceeding in Justices' Courts, reserving to parties all rights in regard to changes of venue and other proceedings to which they would be entitled in cases originally commenced in Justices' Courts.

Cases when amount in dispute is less than $300.

Sec. 5. That all writs and process which have issued or may issue before the first day of January next, returnable to the said Courts superseded as aforesaid, shall be returned to the aforesaid Courts established by the present Constitution, and shall be proceeded on therein in the same manner as they could had

they been originally returnable to the said Courts established as aforesaid. And all cases which may have been appealed, or in which notice of appeal has been or shall have been given, before the first day of January next, though the transcripts may not have reached the appellate Court before said day, shall, within the meaning of this Act, be considered as pending and undetermined on the said first day of January next in the Court to which they were to be appealed under the law and Constitution as they have hitherto been in force, and shall be heard, tried, and determined, or disposed of, in conformity with the intention and provisions of this Act; *provided*, that in all cases where the transcript may not, on the said first day of January next, have reached the appellate Court, which, if such transcript had so reached such Court, such appellate Court would have no jurisdiction under the present Constitution to hear, try, and determine the same, then, in such case, the last mentioned provision shall have no application, but all such cases shall be transferred or otherwise disposed of as provided by this Act.

Act defined.

SEC. 6. It is hereby declared to be the true intent and meaning of this Act, that no suit, cause, or proceeding of any kind, civil or criminal, which may be pending and undetermined on the first day of January next in any or either of the Courts of this State, shall by the change from the old to the new judicial system, as established by the present Constitution, be abated, ended, terminated, or otherwise discontinued, but that the same shall in all respects be proceeded in as though no change had taken place; and in all cases where by the present Constitution a change of jurisdiction is made, the said Courts are hereby clothed with full power and authority to make such disposition of all cases not otherwise provided for by this Act as will best tend to carry into effect the intent and meaning as aforesaid expressed.

Duty of Secretary of State.

SEC. 7. It shall be the duty of the Secretary of State to deliver or send by mail, forthwith, a printed copy of this Act to every Justice of the Supreme Court, and to every District Judge, and a sufficient number of copies to every County Clerk to supply one copy to the District Attorney and to every judicial officer in the county.

SEC. 8. This Act shall take effect and be in force on and after the first day of January next.

CHAP. II.—*An Act to provide for purchasing Postage Stamps and Express Envelops for Members and Officers of the Legislature, at its Fifteenth Session.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer the sum of

thirty-one hundred and fifty dollars from the War Bond Fund to the General Fund, for the sole purpose of paying for postage stamps and express envelops during the fifteenth session of the Legislature. Transfer of money.

SEC. 2. The said sum of money transferred to the General Fund by section one of this Act, is hereby appropriated for the purchase of postage stamps, envelops, and wrappers, and express envelops, for the use of the Lieutenant-Governor, Senators, and Members of the Assembly, Secretary of the Senate, and Sergeant-at-Arms of the Senate, Clerk of the Assembly, Assistant Clerk of the Assembly, and Sergeant-at-Arms of the Assembly. Who entitled to stamps.

SEC. 3. Each of the persons mentioned in section two of this Act shall be entitled to receive, during the present session of the Legislature, such an amount of postage stamps, envelops, and wrappers, and express envelops, as he may require, not exceeding twenty-five dollars. Amount.

SEC. 4. The Controller of State is hereby authorized and required to draw his warrants, from time to time, in favor of the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, for such sums as they may require respectively under the provisions of this Act, not exceeding in the aggregate the sum of one thousand and seventy-five dollars in favor of the Sergeant-at-Arms of the Senate, and two thousand and seventy-five dollars in favor of the Sergeant-at-Arms of the Assembly. Warrant to be drawn.

SEC. 5. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly shall, respectively, open a postage and express account with each of the persons mentioned in section two of this Act, and shall furnish to each of said persons during the present session of the Legislature, such postage stamps, envelops, and wrappers, and express envelops, as he may require, not exceeding twenty-five dollars. Postage account to be opened.

SEC. 6. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly shall make to their respective Houses, at the close of the session, an exhibit of the postage and express account of each person entitled to the benefit of this Act, and pay any balance remaining in their hands over to the State Treasurer, and file said Treasurer's receipt in the office of the Controller of State. Officers to make report.

SEC. 7. This Act shall be in force from and after its passage.

CHAP. III—*An Act to extend the time for the collection of State and County Taxes for the year eighteen hundred and sixty-three in the County of San Luis Obispo.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the County of San Luis Obispo is hereby empowered to continue the collection of State and County taxes due in said county on the assessment roll of eighteen hun- Time extended.

dred and sixty-three until the third Monday in February, A. D. one thousand eight hundred and sixty-four, and shall not be required to make his final settlement or to return his delinquent list until the first Monday in March of said last mentioned year; *provided*, that the provisions of section thirty-seven of the Act to provide revenue for the support of the Government of this State, approved May seventeenth, A. D. one thousand eight hundred and sixty-one, shall not apply in said county for the year eighteen hundred and sixty-three until the third Monday in February, A. D. one thousand eight hundred and sixty-four. In all other respects the collection of the revenue of this State in said county shall be governed by the general laws now in force.

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. IV.—*An Act to provide for the Election of a Board of Supervisors in Merced County.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special election.

SECTION 1. There shall be held in Merced County, on Saturday, the twentieth day of February, in the year one thousand eight hundred and sixty-four, a special election, at which shall be elected three Supervisors, one for each of the Supervisor Districts in said county.

Notice of, to be given.

SEC. 2. The Board of Supervisors of said county shall give notice of said special election, and the same shall be conducted in accordance with the laws of this State. The Board of Supervisors of said county shall meet at the county seat of said county on the first Tuesday after such special election, when they shall canvass the votes and declare the result thereof. The County Clerk of said county shall grant a certificate of election to each person thereto entitled.

Time of taking office, continuance of.

SEC. 3. The Supervisors to be chosen at such special election shall be elected by the qualified electors of their respective Supervisor Districts, and shall enter upon the duties of their said offices on the first Monday in March, one thousand eight hundred and sixty-four, and their term of office shall continue until the first Monday in March, one thousand eight hundred and sixty-five, and until their successors have been elected and qualified.

SEC. 4. The Secretary of State is required to transmit to the Clerk of the Board of Supervisors of Merced County a correct copy of this Act so soon as the same shall become a law.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. V.—*An Act to amend an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, one thousand eight hundred and sixty-three.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, one thousand eight hundred and sixty-three, is hereby amended so as to read as follows:

Change in time of holding Court in 14th Judicial District.

Section 10. There shall be held in the Fourteenth Judicial District terms of said Court as follows:

In the County of Placer—on the first Monday in February, May, August, and November.

In the County of Nevada—on the second Mondays in March, June, September, and December.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. VI.—*An Act to fix the Terms of the County Court and Probate Court of the County of El Dorado.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regular terms of the County Court in and for the County of El Dorado shall be held at the county seat of said county on the third Monday of January, April, July, and October, in each year. The regular terms of the Probate Court in and for the County of El Dorado shall be held at the county seat of said county on the fourth Monday of every month in each year.

Terms fixed.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. This Act shall take effect from and after the first day of January, one thousand eight hundred and sixty-four.

CHAP. VII.—*An Act to amend an Act entitled an Act concerning Offices, approved April twenty-second, one thousand eight hundred and sixty-three.*

[Approved December 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is hereby amended so as to read as follows:

Officers to be elected and appointed.

Section 1. There shall be elected or appointed, as hereinafter declared, the following officers, to wit:

First—A Governor, and Lieutenant-Governor.

Second—Five Justices of the Supreme Court.

Third—One District Judge for each Judicial District into which the State is or may hereafter be divided by law.

Fourth—Senators, and Members of Assembly.

Fifth—A Secretary of State, Treasurer, Controller, Attorney-General, Surveyor-General, Clerk of the Supreme Court, a Superintendent of Public Instruction, and a State Printer.

County officers.

Sixth—For each county: One County Judge, and also a Probate Judge for the City and County of San Francisco, one County Clerk, one District Attorney, one Sheriff, one County Treasurer, one Assessor, one Collector, except in counties where the revenue is assessed and collected by District or Township Assessors and Collectors there shall not be a County Assessor or Collector elected, and except in counties where the Treasurer is ex officio Tax Collector, one Coroner, one County Surveyor, one Superintendent of Common Schools, one Public Administrator, except in those counties where the Coroner is ex officio Public Administrator, one Recorder, and one Auditor, except in those counties where the County Recorder is ex officio Auditor, wherever the same may be required by law; *provided*, that in counties where the Sheriff is ex officio Tax Collector no Collector shall be elected.

Seventh—County Supervisors.

Township officers.

Eighth—For each township: Two Justices of the Peace, and two Constables, except in the City and County of San Francisco there shall be but one Justice of the Peace and one Constable for each township, and all other township and municipal and district officers that may be required by law. In the City of Sacramento there shall be three Justices of the Peace and three Constables elected; in the City of Marysville two Justices of the Peace and two Constables; and for the City of Oakland one Justice of the Peace.

SEC. 2. The present acting Justice of the Peace in and for the City of Oakland shall be continued in said office until a successor is elected and qualified.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. VIII.—*An Act authorizing the Board of Supervisors of Klamath County to levy a Special Tax to create a Contingent Fund for said County.*

[Approved January 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] The Board of Supervisors of Klamath County are hereby authorized to levy a special tax, annually, not to exceed the sum [of] twenty-five cents on each one hundred dollars of taxable property in said county. Tax levied.

SEC. 2. The said tax shall be levied and collected at the same time and in the same manner as other State and county taxes are; *provided*, that for the year eighteen hundred and sixty-four the time for levying the same shall be extended to the second Monday of May. Manner of collecting.

SEC. 3. The money arising from the tax authorized by this Act shall be set apart as a separate Fund, to be known as the Contingent Fund of Klamath County, and shall be applied to the payment of the following expenses only, to wit: The fitting up and necessary repairs of the county buildings, the furnishing of the county offices and Court-room with the necessary record books, stationery, fuel, and lights, and the necessary expenses incurred for the board and clothing of persons confined in the County Jail. Application of money.

SEC. 4. If at the end of any fiscal year there shall remain any sum in the Contingent Fund upon which no order shall have been allowed, the same shall revert to the General Fund, and be placed to the credit thereof. Disposition of surplus.

SEC. 5 The order of the Board of Supervisors of said county levying a special tax for a Contingent Fund for the year eighteen hundred and sixty-three is hereby declared valid, and the Treasurer of said county shall pay all warrants drawn on said Fund by order of the Board of Supervisors out of any money in said Fund. Order declared valid.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. IX.—*An Act amendatory of and supplementary to an Act entitled an Act to transfer Certain Funds, passed January thirty-first, eighteen hundred and sixty-three.*

[Approved January 9, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Transfer to Legislative Fund.

Section 2. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer to a special Fund, which is hereby created, to be called the Legislative Fund for the Fifteenth Session of the Legislature, the sum of one hundred and seven thousand and seventy-nine dollars and eighty-eight cents, out of the first moneys received into the General Fund of the State, on and after the first Monday of January, one thousand eight hundred and sixty-four, or out of any moneys that may be in the said General Fund on said first Monday of January, not otherwise appropriated. The Controller of State is further authorized and required to order the Treasurer of State to transfer to the Swamp Land Fund, from the General Fund of the State, the sum of seventy-six thousand and forty-five dollars and twelve cents, out of the first moneys received into the General Fund of the State after the said sum of one hundred and seven thousand and seventy-nine dollars and eighty-eight cents shall have been transferred to the Special Legislative Fund created by this act.

To Swamp Land Fund.

SEC. 2. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer to the Swamp Land Fund, from the General Fund of the State, the sum of one hundred and seven thousand and seventy-nine dollars and eighty-eight cents, out of the first moneys received into the General Fund of the State on and after the first Monday of January, one thousand eight hundred and sixty-five; said one hundred and seven thousand and seventy-nine dollars and eighty-eight cents, together with the seventy-six thousand and forty-five dollars and twelve cents provided for in the first section of this Act, being the full amount transferred from the Swamp Land Fund to the Special Legislative Fund for the Fourteenth Legislature.

Payments out of Legislative Fund.

SEC. 3. The moneys transferred from the General Fund to the Special Legislative Fund created by this Act, shall be used by the Treasurer of State for the payment of warrants to be drawn by the Controller of State, for the mileage and per diem of the members and attachés of the Senate and Assembly of the fifteenth session of the Legislature of the State; *provided*, that all warrants drawn on the General Fund for the per diem and mileage aforesaid, (in the hands of original holders, and no other,) shall be cancelled by the Controller and new warrants of equal amount issued instead thereof, drawn upon the special Fund created by this Act, and for no other purpose whatever; except that the said Treasurer may pay out of said money so transferred an amount not exceeding five thousand dollars to the State Printer for legislative printing for the present session of the Legislature; and except that the Treasurer shall, out of the moneys so transferred to the Legislative Fund, place the sum of two thousand dollars to the credit of the Contingent Fund of the Senate, and the sum of two thousand dollars to the credit of the Contingent Fund of the Assembly.

SEC. 4. The Treasurer of State is hereby authorized and required to execute all orders of the Controller of State issued under and by virtue of this Act.

SEC. 5. This Act shall take effect and be in force from and after its passage; and all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. X.—*An Act to create a Contingent Fund for Humboldt County.*

[Approved January 9, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors for Humboldt County are hereby authorized and empowered to set aside, each year, from any money in the County Treasury belonging to the General County Fund, any sum which in their judgment may seem sufficient to meet contingent expenses; *provided*, however, that said sum shall not exceed the amount of four hundred dollars for any one year. Said sum shall be known as the Contingent Fund of Humboldt County, and shall be drawn upon by the Board of Supervisors at any special or regular meeting of the Board, in such sums as they may think proper, in the same manner as warrants are drawn upon other Funds, to meet any expenses incurred for county purposes, such as repairs, fuel, stationery, etc. Fund created

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XI.—*An Act to fix the Bonds of the Sheriff of the County of Santa Clara.*

[Approved January 11, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the County of Santa Clara, on or before entering upon the duties of his office, shall be required to take the oath of office, and give bonds, in the manner now prescribed by law, conditioned for the faithful performance of the duties of his office, in the sum of twenty thousand dollars. Amount of bond.

SEC. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

CHAP. XII.—*An Act fixing the Salary of the District Attorney of the County of Yolo.*

[Approved January 13, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of Yolo County shall receive for his services rendered in the discharge of the duties

Amount of salary.

imposed upon him by law, eight hundred dollars per annum, payable quarterly, and such fees as the statutes provide.

SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as they relate to the County of Yolo, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the first day of March, A. D. one thousand eight hundred and sixty-four.

CHAP. XIII.—*An Act to amend an Act entitled an Act to authorize the Incorporation of Rural Cemetery Associations, approved April eighteenth, eighteen hundred and fifty-nine.*

[Approved January 13, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is amended so as to read as follows:

Powers of association.

Section 7. After its formation in the manner provided in the preceding section, the corporation shall proceed to purchase suitable grounds for the proposed cemetery, and to the vendor thereof they are authorized to issue the bonds of the corporation for the amount of the purchase money, bearing interest not exceeding the rate of twelve per cent per annum, but payable out of sixty per cent of the proceeds of the cemetery, as the same shall be realized, and not otherwise. Sixty per cent at least of the proceeds of all sales of lots, plats, or graves, shall be first appropriated to the payment of the said bonds and interest aforesaid, payable at least once in three months to the bondholders, until all are paid, and the residue thereof to be used in preserving, improving, and embellishing the said cemetery grounds and the avenues or roads leading thereto, and to defraying the incidental expenses of the cemetery establishment; and after payment of the purchase money and interest aforesaid, and all debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be appropriated to the improvement, embellishment, and preservation of such cemetery, and for incidental expenses, and to no other purpose or object; *provided*, that any association incorporated under this Act by the members of the Order of Free and Accepted Masons, the Independent Order of Odd Fellows, or by the members of any other benevolent or charitable society in the City and County of San Francisco, may apply the surplus or net income of such Cemetery Association to the Board of Relief or other committee established by such order or society for the purposes of charity.

SEC. 2. This Act shall take effect immediately from and after its passage.

CHAP. XIV.—*An Act to provide for the election of a Sheriff in Mendocino County.*

[Approved January 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held in the County of Mendocino a special election on the sixth day of February, A. D. eighteen hundred and sixty-four, for the purpose of electing a Sheriff of said county, to fill the vacancy caused by the death of William H. Taintor. Vacancy.

SEC. 2. This election shall be governed by the rules and regulations applicable to general elections, except as herein otherwise provided.

SEC. 3. The Board of Supervisors of Mendocino County shall give notice of the election at least ten days before the same takes place; and in case the Board of Supervisors fail to do so, the publication of a copy of this Act, certified by the Secretary of State, under the seal of State, in any newspaper published in said county ten days before said election, shall be a sufficient notice thereof. Notice of election.

SEC. 4. The Board of Supervisors of Mendocino County shall meet on the twenty-fifth day of February next, and canvass the vote given at such election. Canvass of vote.

SEC. 5. In addition to the electors under the general law regulating elections, all persons who are now engaged in the military service of the United States, who were residents of the County of Mendocino at the time of their enlistment, and who would now be entitled to vote were they actually living in said county, shall be entitled to vote at such election. Soldiers' vote.

SEC. 6. The manner of conducting the election for those engaged in the military service of the United States shall be the same as that prescribed in section four (4) of an Act of the Legislature of this State, entitled an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, A. D. one thousand eight hundred and sixty-three. When the ballots shall have been counted, all of the ballots cast, together with the voting list, shall be sealed up by the commanding officer, and by him transmitted by mail or otherwise to the County Clerk of Mendocino County. Manner of conducting election.

SEC. 7. The forms of the returns of votes by the commanding officers to the County Clerk of said county shall be substantially as follows, viz: Returns.

I hereby certify that on the sixth day of February, one thousand eight hundred and sixty-four, the electors entitled to vote belonging to the (here insert the regiment, detachment, battalion, squadron, company, or battery,) cast the following num-

ber of votes for the following person or persons for Sheriff of Mendocino County.

(Attest:) A. B.,

Commanding officer of (regiment, battalion, squadron, company, or battery, as the case may be.)

SEC. 8. So much of section seven of the Act herein last above referred to as prescribes pains and penalties and provides punishments for misconduct in officers conducting elections, shall be made applicable to the officers conducting the elections to be held under this Act.

Qualification of voters.

SEC. 9. For the purpose of determining those entitled to vote at said special elections in said military service, the said officers conducting said election may have reference to the list of electors furnished by the Secretary of State, in the year A. D. eighteen hundred and sixty-three, in accordance with the provisions of section second of the Act last aforesaid, that may remain in their possession, or of any of them, as well as any other rolls, lists, records, or other written evidence, showing the residence of such soldiers at the time of their said enlistments, and may, in addition, (or instead thereof,) if no such lists, rolls, records, or other written evidence exists in their possession, ascertain the same by the statement of such electors, and each of them, made under oath, and for this purpose they shall administer all necessary oaths or affirmations; and any vote that may be offered by any soldier shall be rejected by said officers, which shall not be found and ascertained to be lawful in the manner aforesaid.

Duty of Board of Supervisors.

SEC. 10. The Board of Supervisors of said county are hereby authorized and required, in the canvass of the votes of the election to be held in accordance with this Act, to count all of the votes of soldiers engaged in the service of the United States returned in accordance with the provisions of this Act.

SEC. 11. The person receiving the highest number of votes at such election for the office of Sheriff of said county shall hold said office for two (2) years from and after the first Monday of March next.

SEC. 12. The person elected Sheriff under the provisions of this Act, before entering upon the duties of his office, shall duly qualify according to law.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAP. XV.—*An Act to regulate the Recording of Stamped Instruments of Writing.*

[Approved January 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the recording of deeds, mortgages, wills, or other instruments of writing required or authorized by law to

be recorded, the Clerk, Recorder, or other officer whose duty it is to make the record, shall, if the same have affixed to them any stamp or stamps purporting to be in accordance with any law of the United States, make a scroll in the margin of the record in the place of the said stamp or stamps, and enter upon the record, within said scroll, the amount in value of the said stamp or stamps, and the marks of cancellation. Duties of Clerks, Recorders, etc.

SEC. 2. A certified copy of the record so made shall be prima facie evidence of the original stamp or stamps, and that the same had been affixed on the original deed, mortgage, or other instrument in writing, prior to filing the same for record, in the manner and to the purport indicated on the said record, or the certified copy thereof.

SEC. 3. It is hereby made the duty of the Secretary of State to immediately transmit to each of the County Recorders of this State a copy of this Act.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. XVI.—*An Act to provide for the Allotment of Senators, pursuant to Section Six, Article Fourth, of the Constitution.*

[Approved January 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Senate shall, in conformity with section six, Article Four, of the Constitution, at such time as the Senate by resolution shall direct, proceed to divide the Senators by lot into two classes, which allotment shall be as follows: Two tickets, not distinguishable from each other by reason of any difference in size, form, or color, shall be prepared and placed in a box, upon one of which tickets shall be written the words "First class," and upon the other the words "Second class." The roll of the Senators from the First and Second Senatorial Districts shall be called in alphabetical order, and the President of the Senate shall appoint a Page, to be blindfolded, who shall draw from the box one of the tickets as each of the names are called, and the words upon the ticket so drawn shall designate the class to which such Senators shall belong. And in like manner shall all of the Senators be allotted in pairs in the order hereinafter named. The Senator from the Fourth Senatorial District with the Senator from the Fifth; the Senator from the Third with the Senator from the Sixth; the Senator from the Seventh with the joint Senator from San Mateo and San Francisco, of the Eighth; the Senator from the Ninth with the Senator from the Tenth; the Senator from the Eleventh with the Senator from the Fourteenth; the Senator from the Seventeenth with the Senator from the Twenty-Fifth; the Senator from the Eighteenth with the Senator from the Nineteenth; the Senator from the Twenty-Sixth with the Senator from the Twenty-Eighth; and the Senator from the Twenty-Seventh with Manner of allotment.

the Senator from the Twenty-Second Senatorial District; and the Senators from the Twelfth, Thirteenth, Fifteenth, Sixteenth, Twentieth, Twenty-First, Twenty-Third, and Twenty-Fourth Senatorial Districts, wherein two Senators are elected from each, shall in like manner be so allotted that one from each Senatorial District shall belong to the first class, and one to the second class; and the four Senators elected from the City and County of San Francisco, of the Eighth Senatorial District, shall in like manner be so allotted that two shall belong to the first class, and two to the second class. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half of the whole number of Senators shall be elected every two years.

SEC. 2. Section two of the Act entitled an Act to amend an Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, approved May eighteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAP. XVII.—*An Act to authorize the Board of Supervisors of Napa County to levy a Special Tax to improve the Public Road leading from Napa Valley to Lake County.*

[Approved January 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax levied.

SECTION 1. The Board of Supervisors of Napa County are hereby empowered to levy a special tax, in any sum not exceeding ten cents, at their discretion, on each one hundred dollars of the amount of taxable property of said county, for the purpose of working and improving the public highway leading from Napa Valley, above the Brannan Hot Springs, by Lillie's Mill, to Lake County, which tax shall be levied and collected at the time and in the manner of levying and collecting taxes for State and county purposes.

SEC. 2. The money raised by virtue of this Act shall be appropriated in pursuance of contracts made in conformity to an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one.

SEC. 3. This Act shall take effect immediately.

CHAP. XVIII.—*An Act to repeal an Act entitled an Act to organize Townships, and regulate their powers and duties, and submit the same to vote of the People, passed May fifteenth, one thousand eight hundred and sixty-two, and to provide for the settlement of the affairs of Townships organized under said Act in the County of Nevada.*

[Approved January 19, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Act entitled an Act to organize townships, and regulate their powers and duties, and to submit the same to vote of the people, passed May fifteenth, one thousand eight hundred and sixty-two, and the Act amendatory thereto, passed April twenty-five, one thousand eight hundred and sixty-three, and the Act amendatory of and supplemental thereto, passed April twenty-seven, one thousand eight hundred and sixty-three, in so far as the same relate to and have any force and effect in the County of Nevada, be and the same hereby are repealed; and the county organization is hereby reinstated and re-established in the County of Nevada, by and under all the general and special provisions of law in relation to counties and county government now in force. Acts repealed.

SEC. 2. The Board of Supervisors of the County of Nevada is hereby appointed and constituted a Board of Commissioners to examine, audit, and settle all the affairs of the several townships organized under said Act in the County of Nevada, with full and sole power and authority to demand, take, and receive, from the Trustees, Clerks, and Treasurers of said townships, all moneys, property, assets, and effects, books, records, bonds, and papers of whatsoever kind, the property of said townships, in the hands of said officers, and to dispose of the same according to the provisions of this Act. Settlement of township affairs.

SEC. 3. The Trustees of the said several townships and the said several Clerks thereof shall, within thirty days after the passage of this Act, deliver over to the said Board of Supervisors or to the Clerk of said Board, all township books, records, bonds, and papers, property, assets, and effects of every description whatever, heretofore had and kept by them by virtue of their offices; and all books containing records of estrays, of marriages, births, and deaths, bills of sale, and chattel mortgages, shall be forthwith deposited in the custody of the Recorder of said county, to be kept by said Recorder among the official records of said county. Township records transferred to County Recorders.

SEC. 4. The County Recorder of said county is hereby authorized and required to grant certified copies of such records to any person or persons upon payment of his usual fees; and the originals thereof and certified copies of the same may be read and used in evidence in all Courts of justice in civil and criminal cases with like authority and effect, and shall be deemed and considered in all legal proceedings as original records and certified copies thereof are taken and considered when recorded in Duty of County Recorder.

the county records of said county under the general laws of this State in relation to the recording of such instruments.

Bonds of township officers.

SEC. 5. The validity or obligation of any bond heretofore executed by any officer elected in said townships for the faithful performance of official duties, shall not be impaired or affected in any manner by the provisions of this Act; but the said bonds shall be and continue in full force and effect, and the said Board of Supervisors are hereby authorized, empowered, and required to cause suits to be instituted thereon by the District Attorney of said county for the recovery of the penalty provided in said bonds, and to enforce the same in all cases of a breach of the conditions of such bonds; and such penalties, when so recovered, shall be paid into the County Treasury, to be disposed of as provided by statute in other cases of like nature.

Township offices vacated.

SEC. 6. The offices of Township Trustee, Clerk, Assessor, and Collector, shall be and the same hereby are vacated and abolished, and the functions of all said officers shall cease from and after the first day of February, one thousand eight hundred and sixty-four.

Township officers to report.

SEC. 7. Within thirty days after the passage of this Act each and every Township Treasurer shall make a full report to the Board of Supervisors of said county of all moneys that may have come into his hands of the funds of his township, specifying the source whence the same was received, and of all expenditures made by him under the orders of said Trustees, accompanying the same with his vouchers, and shall pay over to the County Treasurer of said County of Nevada all moneys belonging to said township remaining in his hands, and the office of Township Treasurer shall thereupon be vacated and cease.

Township funds.

SEC. 8. The County Treasurer shall keep a separate account of the funds received from each Township Treasurer of the several townships; and the same shall be kept separate and apart from the county funds until the final disposition of such funds by the said Board of Supervisors.

Justices and Constables.

SEC. 9. The several Justices of the Peace and Constables elected in the several townships under the township organization, and their successors in cases of vacancy occurring, shall hold their several offices until the next general judicial election, and until their successors shall be elected and qualified; *provided*, that in case any vacancy now exist or may hereafter occur in any of such offices, the Board of Supervisors of said county shall proceed to fill the same by appointment or by ordering an election, as provided by statute in such cases; and, *provided*, also, that the said Board of Supervisors, by an order entered on their minutes, and duly served upon the party, may require any of such officers to file new bond in the manner now required by statute in such cases; and in default of such officer to file new bond may declare his office vacant.

Road Overseers.

SEC. 10. The Road Overseers elected in the said several townships shall hold their offices until the first Monday in February, one thousand eight hundred and sixty-four, at which time each of said Road Overseers shall make his report to and settle his official affairs with said Board of Supervisors, as is required in such cases under the provisions of the Act concerning roads and highways; and said offices shall then become vacant, and

shall thereafter be filled by said Board of Supervisors in the manner provided by law.

County Assessor and Tax Collector.

SEC. 11. The County Assessor and the County Tax Collector elected for said County of Nevada at the general election held on the second day of September, one thousand eight hundred and sixty-three, shall enter upon the duties of their respective offices at the expiration of the terms of the present incumbents of said offices, and shall have the same powers, rights, and privileges, with the same jurisdiction, shall perform the same duties, shall receive the same compensation, and shall be subject to the same liabilities as are now granted to, conferred upon, and required of County Assessors and County Tax Collectors by any existing law.

Duty of Board of Supervisors.

SEC. 12. The Board of Supervisors of the said County of Nevada, at their first regular session after the passage of this Act, shall proceed to examine, audit, and settle the affairs of said townships, respectively; they shall have full power and authority to collect, by due process of law, under the provisions of the Act entitled an Act to provide revenue for the support of the government of this State, in so far as the same may be applicable hereto and herein, all taxes, licenses, assessments, and fines heretofore levied and assessed by the Trustees of said townships, and now remaining uncollected therein; to audit, and allow or reject, under the general provisions governing the Boards of Supervisors of counties in this State, all accounts, bills, and demands that may be presented against said townships, severally, and to pay all demands so allowed by them out of any funds, and no other, received by the County Treasurer from the Township Treasurers, respectively, and from the collection otherwise of any moneys in said townships, respectively, as further provided for in this Act.

Deficiency in township funds.

SEC. 13. In case there be no such funds so received from any one or more of said townships, or in case there should be a deficiency in such funds of any one or more of said townships, then the said Board of Supervisors are hereby authorized and empowered, and they are hereby required, to levy a special tax, for township purposes only, upon all the real and personal property in any township where such deficiency exists, as may be sufficient to pay the debts so found due from and owing by said township, with such proportionate expenses of assessing and collecting the same as may be equitable and just. And such special tax shall be added to the annual levy of State and county taxes, and shall be collected from the property of such townships in the same manner, at the same time as, and under the general provisions of law in relation to the collection of State and county taxes for the year one thousand eight hundred and sixty-four.

Claims against township.

SEC. 14. All claims and demands made by or on behalf of any person or persons against the organized townships of Nevada County shall be presented for examination to the said Board of Supervisors at or during their first regular session after the passage of this Act. And it is hereby made the duty of said Board to audit, and allow or reject, the same before the first Monday in March, one thousand eight hundred and sixty-four, and all claims not so presented within the time prescribed

by this Act shall be deemed waived, and no action for the recovery of such account so waived shall thereafter be maintained.

Surplus moneys.

SEC. 15. In case there should appear any surplus of moneys belonging to any township, after paying all the debts of the same, whether the same arise from moneys paid over by the Township Treasurers or from the special tax authorized by this Act, it shall be the duty of the said Board of Supervisors, at such time as the amount be ascertained, to divide the same equally, and to pay over one half thereof to the County Superintendent of Common Schools, to be by him apportioned pro rata to the Common School Districts of the townships from which the same was received; and the said Board of Supervisors shall equitably divide the remaining half, and pay the same over to the Road Overseers in the several Road Districts of such townships respectively.

Powers conferred on Board of Supervisors.

SEC. 16. From and after the first day of February, one thousand eight hundred and sixty-four, the Board of Supervisors of the said County of Nevada shall have, use, exercise, perform, and maintain over the said county, and over the affairs thereof, all the powers, rights, duties, and privileges conferred, granted, ordered, or required by the provisions of an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five, and other Acts amendatory thereof, in the same manner, for the same purposes, and with the same legal effect as if the Act entitled an Act to organize townships, and regulate their powers and duties, and submit the same to vote of the people, passed May fifteenth, one thousand eight hundred and sixty-two, and the amendments thereto, had not been heretofore enacted.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAP. XIX.—*An Act to provide for the Collection of Delinquent Taxes in Granite School District, County of Sacramento.*

[Approved January 19, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessment legalized.

SECTION 1. The assessment of taxes upon all property, both real and personal, in Granite School District, County of Sacramento, levied by the Trustees of said School District for the erection of a Public School-house in said Granite School District, in the year one thousand eight hundred and sixty-two, is hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the property assessed.

SEC. 2. The taxes referred to in section one of this Act shall be enforced in the same manner as is provided for the collection of taxes in the Act to provide for the maintenance and supervi-

sion of Common Schools, approved April sixth, one thousand eight hundred and sixty-three.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XX.—*An Act to amend an Act entitled an Act to provide for the Funding of the Indebtedness of the County of San Luis Obispo, outstanding on the first day of July, in the year one thousand eight hundred and sixty-three, approved March sixth, one thousand eight hundred and sixty-three.*

[Approved January 19, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of the above entitled Act is hereby so amended as to read as follows:

Section 2. On or before the first day of July, A. D. eighteen hundred and sixty-three, the Board of Supervisors of said county shall cause bonds for said indebtedness to be prepared, in sums not less than fifty nor more than five hundred dollars. Every holder of county warrants legally issued or drawn in due form of law, on indebtedness of the county which shall have accrued prior to the first day of July, A. D. eighteen hundred and sixty-three, may present the same to the said Board of Supervisors within one year from and after the first day of July, A. D. eighteen hundred and sixty-three, in order that the same may be cancelled and bonds to the amount of such warrants, including the interest due thereon, issued in lieu thereof to the holder. It shall be the duty of said Board of Supervisors to issue bonds for said warrants, said bonds to be styled "Bonds of San Luis Obispo County," which shall be signed by the Chairman and Clerk of said Board of Supervisors, and countersigned by the Treasurer of said county, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons attached thereto for the interest in such manner as to bear removal without mutilating the bonds. The first coupon shall be for the interest accrued up to the first day of July, A. D. eighteen hundred and sixty-four, and the others for one year's interest each thereafter, consecutively numbered, which coupons shall also be signed in like manner as the bonds, and the warrants for which bonds shall be issued shall be cancelled immediately upon the issuance of bonds therefor. Bonds.

SEC. 2. Section four of said Act is hereby so amended as to read as follows:

Section 4. The interest on said bonds shall be paid at the Treasurer's office of said county on the first Monday of July, A. D. eighteen hundred and sixty-four, and thereafter on the first Monday of July of each year. Interest.

SEC. 3. Section eight of said Act is hereby so amended as to read as follows:

Section 8. The moneys paid into the County Treasury for

Disposition of moneys.

the use and benefit of the county, except the School Fund, and except as herein otherwise provided, on and after the first day of July, A. D. eighteen hundred and sixty-three, shall be and the same is hereby appropriated to the payment of the current expenses and disbursements of the county accruing on and after that date, and the same shall in no event be applied to any other purpose. There shall be but one Fund in said county for the payment of such current expenses, which shall be the "Fund for Current Expenses," into which shall be placed and out of which shall be paid all moneys coming into the County Treasury for county purposes, from whatever source other than the School Fund, and as herein otherwise provided; *provided*, that all moneys in the County Treasury on the first day of July, A. D. eighteen hundred and sixty-three, for county purposes, or which have been or may be hereafter received therein from assessments made previous to the assessment of eighteen hundred and sixty-three, shall be disbursed in accordance with the Acts under which the same were levied; *provided*, nevertheless, that all such moneys as are embraced in the foregoing proviso, which shall not be disbursed prior to July first, eighteen hundred and sixty-four, shall be applied as soon as collected to the redemption of said bonds, in accordance with the provisions of section six of the Act to which this is amendatory, and in no other manner whatsoever.

SEC. 4. Section eleven of the above entitled Act is hereby so amended as to read as follows:

Acts repealed.

Section 11. An Act entitled an Act to provide for the payment of the debts of the Counties of San Luis Obispo and Santa Barbara, passed March thirty-first, A. D. eighteen hundred and fifty-seven, and an Act entitled an Act amendatory of an Act entitled an Act to provide for the payment of the debt of the Counties of San Luis Obispo and Santa Barbara, approved March thirty-first, A. D. eighteen hundred and fifty-seven, approved April twenty-first, A. D. eighteen hundred and fifty-eight, so far as the same apply to the County of San Luis Obispo, and an Act entitled an Act to provide for the erection of a Court-house and Jail in the County of San Luis Obispo, passed April twenty-fourth, A. D. eighteen hundred and fifty-seven, are hereby repealed, except for the purposes mentioned in section three of this Act.

SEC. 5. This Act shall be in force from and after its passage.

CHAP. XXI.—*An Act to re-district the County of Santa Clara, and to provide for the Election of Supervisors.*

[Approved January 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts formed.

SECTION 1. The County of Santa Clara shall be divided into four districts for the purposes hereinafter named, which dis-

tricts shall be known and designated as follows: District Number One, the Township of San José; District Number Two, the Townships of Santa Clara and Redwood; District Number Three, the Townships of Gilroy, Burnett, and Almaden; District Number Four, the Townships of Fremont, Alviso, and Milpitas. Districts formed.

SEC. 2. It shall be the duty of the Board of Supervisors of said county to order a special election for the election of Supervisors in each of the several districts designated and enumerated in section one of this Act, also for the election of one Supervisor for the county at large, as hereinafter provided, which election shall be held on the third Monday of February, A. D. eighteen hundred and sixty-four, and shall be conducted in like manner as general elections for county officers, subject in all respects to the laws which regulate and govern said general elections so far as the same shall be applicable. Election ordered.

SEC. 3. At the special election to be held as provided in the preceding section of this Act, there shall be elected in each [of] the districts hereinbefore designated one Supervisor, and of the whole number so elected two shall hold their offices for the term of two years, and two for the term of four years, or until their successors are elected and qualified; said terms of office to be determined by allotment at the first meeting of the Board of Supervisors of said county elected under the provisions of this Act. Terms of office.

SEC. 4. At said special election there shall also be elected for the County of Santa Clara at large one Supervisor, who shall hold his office for the term of four years, or until his successor is elected and qualified. The Supervisor so elected, together with the four Supervisors elected by the qualified electors of the several districts, as enumerated and designated in section one of this Act, shall enter upon the duties of their office on the first Monday of March next succeeding their election, and shall constitute the Board of Supervisors for the County of Santa Clara, which Board shall succeed to all the powers and duties of the next preceding Board of Supervisors for said county as now prescribed by law, together with such additional powers and duties as may hereinafter be enacted. Time of taking office.

SEC. 5. At the biennial election for county officers for the year A. D. eighteen hundred and sixty-five, and at each succeeding biennial election, there shall be elected two Supervisors, as successors to those whose terms of office will next thereafter expire, in two of said districts, which Supervisors shall be residents of the districts wherein such elections may be held, and shall be elected only by the qualified electors of their respective districts. Biennial elections.

SEC. 6. At the quadrennial election for the election of State officers in the year A. D. eighteen hundred and sixty-seven, and at each quadrennial election thereafter, there shall be elected for the County of Santa Clara at large one Supervisor, subject to the same conditions as prescribed in section four of this Act.

SEC. 7. The Supervisors of the County of Santa Clara elected under the provisions of this Act, in addition to the mileage to which they are entitled by law, shall receive a compensation for their services of five dollars, each, per day for every day's

Compensation. actual attendance upon the sessions of the Board; *provided*, that such compensation shall not exceed in the aggregate the sum of two hundred dollars for each member of the Board during any one year.

SEC. 8. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. XXII.—*An Act supplemental to and amendatory of an Act entitled an Act providing for the Confinement of Prisoners of the United States, approved February fourth, eighteen hundred and fifty-six.*

[Approved January 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above recited Act is hereby amended so as to read as follows:

U. S. prisoners, how treated. Section 1. The authorities of the State Prison are hereby authorized and required to receive into the said Prison and safely to keep therein, subject to the discipline of said Prison, any criminal convicted of any offence against the United States, in solitary confinement or at hard labor, or by imprisonment and confinement to hard labor, or with or without hard labor, agreeably in all cases to the order of the Court pronouncing such sentence, until legally discharged therefrom by due course of law, the United States supporting such convict, and paying the expenses on the execution of such sentence.

Keeper of State Prison, penalty for neglect of duty. SEC. 2. The Keeper of said State Prison, his Deputies, and all other officers of said Prison to whom any such prisoner may have been committed shall be liable to the like penalties and punishments for any neglect or violation of duty in respect to the custody of such prisoner as if such prisoner had been committed by virtue of a commitment under the authority of this State; and if any person shall set at liberty, or rescue, or attempt by any means whatever to set at liberty such prisoner, he shall suffer the like penalties and punishments as if such prisoner had been committed by virtue of a commitment or conviction under the authority of this State.

SEC. 3. This Act shall take effect and be in force after its passage.

CHAP. XXIII.—*An Act regulating the Payments of Money into the Treasury of the County of Sierra.*

[Approved January 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any moneys are hereafter paid into the Treasury of the County of Sierra, as provided by law, the person or persons so paying the same shall first inform the County Auditor thereof, and procure from him a certificate in duplicate of the amount of money to be received by the County Treasurer, the source from whence it came, the Funds to which it belongs, and the amount payable to each. The Treasurer, upon receiving the full amount named, shall place it in the Funds specified therein, and indorse upon one copy of the certificate an acknowledgment of the money paid, and a request to the Auditor to receipt for the same. The indorsed copy of certificate shall immediately be filed with the Auditor, who shall thereupon charge the Treasurer, and issue to the person an acquittance for the whole amount of money then paid into the Treasury. How moneys shall be paid into County Treasury.

SEC. 2. No receipt for any money paid into the County Treasury, or to the County Treasurer, shall be valid for any purpose whatever except as between the County and the Treasurer, unless such receipt have thereon the signature of the County Auditor of said county, nor shall any other receipt be used as evidence in any case, or for any purpose, excepting in an action by the county against the Treasurer or his bondsmen. This section shall be printed on the receipts given by the Auditor. Valid receipts.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. XXIV.—*An Act to amend an Act entitled An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes, approved March thirtieth, one thousand eight hundred and sixty.*

[Approved January 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The Board of Supervisors of Sierra County are hereby authorized, if they deem the same expedient, at their regular meeting in February in each year, to levy taxes for county purposes, not to exceed the rates hereinafter mentioned Taxes for county purposes.

on each one hundred dollars of taxable property in said county, viz: eighty-five cents, to be paid into the General Fund, fifteen cents, to be paid into the School Fund, and seventy-five cents, to be paid into a Fund to be known as the Contingent Fund; and said taxes when levied by said Board shall be collected in the same manner and at the same time as now provided by law for the collection of State taxes in said county.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Contingent Fund.

Section 2. The moneys collected under provisions of this Act, which are directed to be paid into the Contingent Fund, shall be paid into the County Treasury, and it shall be the duty of the County Treasurer of said county to set apart the same as a Contingent Fund, to defray the current expenses of the county, other than the salaries and fees of county officers; *provided*, that for the purpose of paying the principal and interest of the outstanding registered warrants drawn on the Hospital Fund and Jail Fund of said county prior to the first day of December, A. D. eighteen hundred and sixty-three, it shall be the duty of the Treasurer of said county to set apart one third of all moneys paid into said Fund under the provisions of this Act until said outstanding warrants are fully paid and liquidated.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XXV.—*An Act extending the time for assessing Real and Personal Property in the County of El Dorado, for the fiscal year ending March first, eighteen hundred and sixty-four.*

[Approved January 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of County Assessor to make special assessments.

SECTION 1. It is hereby made the duty of the County Assessor of El Dorado County to specially assess any property within his county, liable to assessment, not included in his regular assessment list or roll of the property in his county for the year eighteen hundred and sixty-three, and if any such special assessment is made subsequent to the passage of this Act, he shall forthwith deliver a copy thereof to the Tax Collector, and the original to the Auditor, who shall charge the Tax Collector with the amount of taxes due thereon after the same have been equalized, and all such special assessments shall be valid, and shall have the same force and effect as regular assessments; *provided*, that no assessment shall be made by virtue of this Act after the twentieth day of February, eighteen hundred and sixty-four.

Equalization of.

SEC. 2. The Board of Supervisors of said county shall meet at the county seat on the twenty-second day of February, eighteen hundred and sixty-four, as a Board of Equalization, for the purpose of equalizing said special assessment, and shall exercise all the powers vested in them by general law relating to Boards of Equalization, and thereafter the valuation of any

property listed in said special assessment shall be deemed final and absolute.

Special delinquent list.

SEC. 3. The Tax Collector shall collect and receive all taxes due upon said special assessment until the twenty-ninth day of February, eighteen hundred and sixty-four, giving receipts and accounting for such taxes as required by general law, and at the close of his official business on said day he shall proceed to make out and file with the Auditor of the county a list of all persons and property then owing taxes on said special assessment roll, which list shall be verified by himself or Deputy, and shall be completed before the fifth day of March, eighteen hundred and sixty-four, and shall be called and known as the "Special Delinquent List."

SEC. 4. At any time after the fifth day of March, eighteen hundred and sixty-four, and before the institution of suit as herein provided, any delinquent tax payer on said list may pay to the County Treasurer the taxes due from him thereon by complying with the general law in such cases provided, and the payment of five per cent additional.

Suits against delinquents.

SEC. 5. The Auditor shall, within ten days after receiving said Special Delinquent List, deliver the same to the District Attorney of the county without publishing the notice required by general law, and the said District Attorney shall immediately thereafter commence suits against the person or persons so delinquent, in the name of The People of the State of California, and shall proceed in all respects as near as may be in accordance with the provisions of the general law relating to delinquent tax suits.

Compensation of officers.

SEC. 6. All officers rendering services under the provisions of this Act shall receive the same compensation as provided by general law for like and similar services, and the provisions of the existing general law relating to the assessment and collection of taxes, and duties devolved upon officers subsequent thereto in relation to the same, are made applicable to the provisions of this Act; *provided*, that the Assessor shall not receive compensation for more than twenty days service while engaged in making said special assessment; and, *provided*, further, that the Board of Supervisors may designate the number of Deputy Assessors who shall perform such service.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. XXVI.—*An Act to appropriate certain Moneys out of the Military Fund.*

[Approved January 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any moneys in the State Treasury belonging to the Military Fund, or which may hereafter be paid into the Treasury and become a part of said Military Fund, so far as necessary

Appropriation.

for that purpose, is hereby appropriated for the payment of all lawful claims, duly audited and allowed, against said Fund, and for which warrants shall have been drawn or may hereafter be drawn by the Controller of State under the provisions of the Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the military of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three.

SEC. 2. This Act shall take effect immediately.

CHAP. XXVII.—*An Act imposing further duties upon the Board of Supervisors of the County of Mariposa.*

[Approved January 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County printing to be let to the lowest bidder.

SECTION 1. The Board of Supervisors of the County of Mariposa shall, and it is hereby made their duty, at their regular meeting in February, A. D. eighteen hundred and sixty-four, or at their first regular meeting after the approval of this Act, and annually thereafter, let out by contract all public printing of every kind whatsoever required by said county or any officer thereof to the lowest bidder, as provided in section second of this Act, and the said Board shall require a bond, to be approved by the County Judge, from the party obtaining said contract, with two sufficient sureties, in the penal sum of two thousand dollars, conditioned for a true and faithful performance of his contract.

Sealed proposals.

SEC. 2. The said Board, on the first day of said meeting, or as soon thereafter as possible, shall cause their Clerk to post on the door of the County Court-house a notice stating that until an hour, to be therein named, of the third day after the posting of said notice, they will receive sealed proposals which shall state the specific sum for which the party will do all said printing for one year, and upon the opening of said proposals, said Board shall award the contract for said printing to the lowest bidder; *provided*, no bid shall be accepted where the sum exceeds three thousand dollars. Said Board shall audit the account of said contractor in equal payments semi-annually.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XXVIII.—*An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved January 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Section 4. Every action shall be prosecuted in the name of the real party in interest, except as otherwise provided in this Act. Real party in interest.

CHAP. XXIX.—*An Act to appropriate money to pay the claim of F. F. Fargo.*

[Approved January 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seven hundred and fifty-four dollars and fifty cents is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claim of F. F. Fargo for services as Clerk of the Supreme Court, in which the State was party in interest, and the Controller is hereby authorized and directed to draw his warrant in favor of F. F. Fargo for the amount hereby appropriated, and the Treasurer is authorized to pay the same. Claim allowed.

SEC. 2. This Act to take effect from and after its passage.

CHAP. XXX.—*An Act to exempt the County of Sutter from the Act concerning Estrays in certain counties of this State.*

[Approved January 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County of Sutter is hereby exempted from the provisions of the Act entitled an Act concerning estrays in certain counties of this State, passed April twenty-seventh, A. D. one thousand eight hundred and sixty-three. Exemption.

CHAP. XXXI.—*An Act to define and locate the Seat of Justice for Mono County.*

[Approved January 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Location of county seat.

SECTION 1. The town of Bridgeport is hereby declared to be the seat of justice of Mono County.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XXXII.—*An Act to prescribe the Jurisdiction of the Police Judge's Court of the City and County of San Francisco.*

[Approved January 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Jurisdiction of Court.

SECTION 1. The Police Judge's Court of the City and County of San Francisco shall have jurisdiction:

First—Of an action or proceeding for the violation of any ordinance of the City and County of San Francisco.

Second—Of proceedings respecting vagrants and disorderly persons.

SEC. 2. The said Court shall have jurisdiction of the following public offences when committed in the said city and county:

First—Petit larceny, receiving stolen property, when the amount involved does not exceed fifty dollars;

Second—Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing wilful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

The Justices of the Peace within the limits of the City and County of San Francisco shall not have power to try and decide any cases of the classes mentioned in this section.

Power of Judge.

SEC. 3. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require according to law, and shall have power to issue warrants of arrest, subpœnas, and all other process necessary to the full and proper exercise of his power and jurisdiction. All fines imposed by the Police Judge not exceeding

twenty dollars, exclusive of costs, shall be final, and without appeal.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. XXXIII.—*An Act amendatory of and supplemental to an Act to fund the Debt of Solano County, and to provide for the Payment thereof,* [*passed April twenty-fourth, eighteen hundred and fifty-four.*]

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of an Act to fund the debt of Solano County, and to provide for the payment thereof, passed April twenty-fourth, eighteen hundred and fifty-four, shall be and is hereby amended so as to read as follows:

Special tax levied.

Section 7. The Board of Supervisors of Solano County are hereby authorized and required, at their regular meeting in February, A. D. eighteen hundred and sixty-four, and annually thereafter, to levy a special tax not exceeding fifty cents on each one hundred dollars worth of property taxable in said county, which said tax shall be assessed, collected, and paid into the County Treasury at the same time and in the same manner as other taxes for county and State purposes. The Fund derived from said tax shall be known as the "Interest and Redemption Fund," and shall be applied only to the payment of the interest to accrue upon the bonds herein provided for, and to the redemption of said bonds, and any warrants that are or may be outstanding on the Treasury of said county in the manner hereinafter prescribed in this Act.

SEC. 2. Section nine of said Act shall be and is hereby amended so as to read as follows:

Board of Fund Commissioners.

Section 9. The Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer, shall constitute a Board of Fund Commissioners under this Act, and before entering upon their duties as such, shall make oath that they will faithfully discharge their duties according to law. Said Board of Fund Commissioners shall cause a notice to be published in a newspaper published in Solano County, and in a daily newspaper in each of the Cities of San Francisco and Sacramento, for one month previous to the second Wednesday in January, A. D eighteen hundred and sixty-five, and for the same length of time annually thereafter, notifying all holders of bonds or warrants of said county that sealed proposals will be received by them for the redemption of such outstanding bonds and warrants; such sealed proposals shall specify the number, date of registry, and amount of each bond or warrant, together with the interest, and shall state the sum in cash that will be accepted for the redemption thereof. All proposals shall be filed in

Redemption of bonds.

the office of the County Treasurer, and dated and numbered in the order received.

SEC. 3. Section ten of said Act shall be and is hereby amended so as to read as follows:

How redeemed.

Section 10. On the second Wednesday in January, A. D. eighteen hundred and sixty-five, and on said day annually thereafter, the said Board of Fund Commissioners shall attend at the office of the County Treasurer, and shall proceed in a public manner to open all proposals in the order received; they shall enter a minute of the contents of each proposal in a book to be kept for that purpose, and shall accept the lowest proposals, at rates not exceeding par value, that will redeem the greatest amount of bonds and warrants, until the cash in hand for the redemption thereof is exhausted; *provided*, that a sufficient sum shall be retained in the Fund to meet the interest which shall become due on the unredeemed bonds on the first day of May then next ensuing, as required in section eight of this Act; and, *provided*, further, that any surplus which may remain in the Fund on the first day of July in any year shall be transferred to the credit of the County General Fund.

SEC. 4. Section eleven of said Act shall be and is hereby amended so as to read as follows:

Books may be inspected.

Section 11. Full and particular account and record of said Interest and Redemption Fund shall be kept by said Treasurer, and shall at all times be open to public inspection during office hours, and to any committee appointed by the Grand Jury of said county; and a concise statement of the condition and business of said Fund, of the bids received, accepted, and rejected, of the amount appropriated to the redemption of bonds and warrants, as well as the amount set apart for the payment of interest on unredeemed bonds, and of all other proceedings of the said Board of Fund Commissioners, shall be published in some newspaper published in Solano County, within ten days after the annual meeting of said Fund Commissioners.

SEC. 5. Section thirteen of said Act shall be and is hereby amended so as to read as follows:

Section 13. The Board of Supervisors shall make a just allowance to the Fund Commissioners for their services under this Act.

SEC. 6. The provisions of an Act concerning the redemption of county and city bonds [approved May 4, 1862,] are hereby applied to and made a part of this Act; and whenever at any time the bonds herein provided for shall have all been redeemed, and the amount of outstanding warrants on the Treasury of Solano County shall have been so reduced as not to exceed the sum of three thousand dollars, this Act shall cease and be of no effect.

SEC. 7. This Act shall take effect and be in force immediately.

CHAP. XXXIV.—*An Act to grant to Ruell Stickney the right to construct and maintain a Bridge across Big River.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ruell Stickney and his successors shall have, take, possess, and enjoy, for the benefit of himself and his assigns, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned. Franchise.

SEC. 2. The said Ruell Stickney shall have full power to build, construct, and maintain a public toll bridge across Big River, the same being a navigable stream, in Medocino County, at any point within one mile of the mouth of said river, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for the purpose aforesaid at the point aforesaid, which is hereby granted and ceded to the said Ruell Stickney and his assigns for the term of twenty years; *provided*, that within two years from the passage of this Act the said Ruell Stickney or his assigns shall have completed the said bridge; and if said bridge be not completed within two years from the date of the approval of this Act the rights and privileges hereby granted shall be forfeited. The said party and his assigns shall at all times after the completion of the bridge aforesaid, keep the same in good order and condition, and shall be responsible for all damages to person or property crossing the same, caused by neglect to keep the same in proper repair. Said bridge shall be built in a substantial manner and of durable materials, and shall have a draw or opening of sufficient width to admit any vessel that may wish to pass the same; and said grantee and his assigns shall at all times keep said draw or opening in good order and condition, and allow any vessel or boat to pass at any time they may wish. Privileges.

SEC. 3. Said party and assigns, upon the completion of said bridge, shall be authorized and empowered to charge and collect such tolls as the Board of Supervisors of Mendocino County shall fix; *provided*, the Legislature may at all times regulate, change, or modify the rates so fixed by the said Board of Supervisors Tolls.

SEC. 4. The said party and assigns is hereby authorized to assume the name of the "Big River Bridge Company."

SEC. 5. The said party and assigns may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk. Notice of said regulation, together with the rates of tolls, shall be kept posted up upon some conspicuous place upon said bridge, and for each violation of said regulation the party offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars, and in Speed of travel.

addition shall be liable to said party and his assigns for all actual damages sustained by reason of said violation.

SEC. 6. The said party and his assigns may regulate and determine the number of animals in the team, number of wagons, amount of freight, and number of stock cattle, that may pass over said bridge at any one time, which regulation shall be affixed to the rate of toll, in some conspicuous place as aforesaid, and the said party and his assigns shall not be liable for any injury or damage to persons or property resulting from a violation of this regulation.

Bond. SEC. 7. The said party and his assigns shall, from time to time, as said Board of Supervisors shall require, execute to The People of the State of California, for the benefit of any person or persons injured, a bond, with such sureties and in such an amount as said Board of Supervisors may deem proper, for the faithful performance of the duties required of said party and his assigns by this Act.

License. SEC. 8. The Board of Supervisors of the County of Mendocino shall fix and regulate the amount of license to be paid on said toll bridge each year; *provided*, said license shall not exceed fifty dollars in any one year.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. XXXV.—*An Act to amend an Act entitled an Act concerning certain Salaries in the County of Santa Barbara, approved March sixteenth, eighteen hundred and sixty-three.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Salary of Assessor. Section 3. The Assessor of said county shall receive for all services rendered by him or his Deputies under any of the revenue laws of this State, the sum of nine hundred dollars per annum, payable at the time and in the same manner as the Assessor's fees are now payable by law.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. XXXVI.—*An Act supplementary to an Act entitled an Act to provide for a Railroad within the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-two, and to an Act supplementary and amendatory of said Act, approved March twenty-eighth, eighteen hundred and sixty-three.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which the railroads mentioned in the said Acts to which this is supplementary are by said Acts required to be completed, at least upon a single track, is hereby extended to the Central Railroad Company of San Francisco, said company being the assignee and owner of all and singular the rights and franchises granted by and mentioned in said Acts, to and for the period of one year, from and after the first day of May, A. D. eighteen hundred and sixty-four, is hereby granted and allowed to said Central Railroad Company, mentioned in said Acts, at least upon a single track, anything in said Acts to the contrary notwithstanding; and any and all portions of said Acts conflicting with this section are hereby repealed. Time extended.

SEC. 2. All rights and privileges granted by the provisions of this Act shall cease and determine from and after the date when the present rates of fare are increased.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XXXVII.—*An Act to amend an Act entitled an Act to extend the Term of Office, define the duties and powers in certain cases, and establish the Salaries of the Board of Supervisors of San Bernardino County, approved April fifteenth, eighteen hundred and sixty-one.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. It shall be the duty of the present Board of Supervisors of said county to re-district the county at their regular meeting next preceding the next general State election, dividing the county into three Supervisor Districts, with due regard to the population and topography of the county, and declare and define the boundaries thereof, and they shall number the same consecutively from one to three. Supervisor Districts.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. XXXVIII.—*An Act to fix the amount of the Official Bond of the Public Administrator of the County of El Dorado.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bond.

SECTION 1. The Public Administrator of El Dorado County, before entering upon the duties of his office, shall execute a bond, with sureties to be approved by the Probate Judge, in a sum not less than ten thousand dollars, and which at any time may be increased in the discretion of the Probate Judge, conditioned for the faithful performance of all the duties enjoined upon him by law, and particularly that he will account for and pay over all moneys and property that may come into his hands as such Public Administrator.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XXXIX.—*An Act to authorize the City of San José to loan its credit for School purposes, and to provide for the redemption of the same.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition of loan submitted to the people.

SECTION 1. The Common Council of the City of San José are authorized and empowered, and it is hereby made their duty to order a special election to be held in said city at the usual place of holding elections therein, on the first Monday of March, A. D. one thousand eight hundred and sixty-four, for the purpose of submitting to the qualified electors of said city the proposition to issue the bonds of the city for School purposes as hereinafter provided, and to that end, the Mayor, President of the Board of Education, and City Treasurer, shall constitute a Board of Commissioners, to be styled the "School Fund Commissioners of the City of San José," and shall have and exercise the powers and perform the duties prescribed in this Act, and the Clerk of the Common Council shall be ex-officio Secretary of said Board, and shall receive such compensation for his services as said Common Council may deem reasonable.

Special election how conducted.

SEC. 2. Said Common Council shall cause notice for at least ten days to [be] published in one or more newspapers printed in said city, stating the proposition to be submitted to said electors, and the time, place, and manner of voting thereon. Each of the voters voting at said election shall have written or printed upon his ballot the words "Bonds for Public School Building—Yes;" or the words "Bonds for Public School Building—No."

Said election shall be conducted in the same manner as other elections for city officers, and returns shall be made of the votes cast on said proposition, and the same shall be canvassed and the result declared in like manner as the votes for the election of city officers.

If a majority vote in the affirmative, bonds shall be issued.

SEC. 3. If, at said election, a greater number of the electors of said city voting upon said proposition shall vote "Yes" than shall vote "No," then and in that event the Board of Funding Commissioners hereinbefore appointed in the name of said city are hereby authorized and empowered and shall immediately after the said election is so officially declared, cause to be prepared and shall have power to issue, on behalf of said city, bonds, not exceeding in all the sum of twenty-five thousand dollars, bearing interest at a rate not to exceed ten per centum per annum, of the denomination of one thousand dollars and five hundred dollars each, respectively, with coupons for interest attached, which bonds shall be made payable by the Treasurer of said city at his office on or before the first day of January, one thousand eight hundred and eighty, and the interest on the same shall be made payable by the Treasurer of said city at his office on the first day of July and the first day of January of each year, on presentation of the respective coupons therefor. Every bond so issued shall be signed by the Mayor of the city and by the Secretary of said Board, and be authenticated with the corporate seal of the City of San José, and shall purport that the city owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. The coupons for interest shall also be signed by the Mayor and Secretary of the Board.

Bonds to be sold.

SEC. 4. The said Board of Commissioners shall cause the bonds issued by them to be sold in such manner as the Common Council shall by ordinance provide, but said bonds shall not be sold at a rate lower than their par value, and the proceeds thereof they shall pay over to the City Treasurer, who shall set the same apart as a Special School Building Fund, and shall pay the same out only upon the warrants ordered by the Common Council for audited claims for work and material upon and for said Public School building.

SEC. 5. It shall be the duty of the Secretary of said Board to attend the meetings of the Board, and to keep a minute of their proceedings. He shall also keep a register of the amount of blank bonds received, and of the amount of each bond issued, its number, and when payable.

Special tax levied.

SEC. 6. It shall be the duty of the Common Council of said city to cause to be levied, annually, a special tax of ten cents upon each one hundred dollars of the real and personal property of said city, and the amount so raised shall be set apart as a Sinking Fund for the redemption of said bonds. They shall also set apart a sufficient sum, semi-annually, from the current income of the city, to pay the interest on said bonds, when the same shall become due.

Redemption of bonds.

SEC. 7. On the first day of January, one thousand eight hundred and sixty-five, and annually thereafter, it shall be the duty of the City Treasurer, from the moneys in his hands set aside and appropriated for that purpose, to advertise for two weeks, in some newspaper published in the City of San José, for pro-

Redemption of bonds.

posals for the redemption of said bonds. The Treasurer shall open the sealed proposals at the time and place specified in the publication, in presence of the Mayor of said city and such persons as choose to be present, and shall accept only of such bids as shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a rate greater than one hundred cents for one dollar in bonds. If no bids are tendered for the surrender of said bonds, or if, after the redemption of all that may be offered, as herein provided, there remains in the hands of the Treasurer, of the money set apart for that purpose, the sum of one thousand dollars or over, the Treasurer shall give notice, by publication in some newspaper published in said city, for two weeks, that he is ready to redeem such particular bonds as he may designate, beginning with the lowest numbers. At the expiration of said two weeks the bonds so advertised and designated shall cease to draw interest.

Funding Commissioners.

SEC. 8. The term of office of said Commissioners shall expire on the first Monday of August, one thousand eight hundred and sixty-four, or at such time previous thereto as they shall have completed all the business submitted to them, when they shall turn over all their books, papers, and accounts to the Common Council. Before entering upon the duties of their office, they shall file with the Clerk of the Common Council a joint and several bond, in such penal sum as the Common Council may determine, to be approved by said Common Council, and conditioned for the faithful performance of their duties. Each member of said Board shall receive such compensation for his services as the Common Council shall deem reasonable, which shall not exceed one hundred dollars each.

SEC. 9. The Mayor and Common Council of the City of San José shall have power to pass any ordinance necessary to carry into effect the provisions of this Act.

SEC. 10. This Act shall take effect immediately.

CHAP. XL.—*An Act to exempt the property of the San Francisco Ladies' Protection and Relief Society from taxation.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Property exempt.

SECTION 1. The piece or parcel of land situated in the City and County of San Francisco, designated on the official map of the city as Block Number Eighty-Three, Western Addition, bounded by Van Ness avenue, Geary, Post, and Franklin streets, donated and granted by Horace Hawes to the San Francisco Ladies' Protection and Relief Society, by deed bearing date July fourth, A. D. one thousand eight hundred and sixty, and recorded in the Recorder's Office of the City and County of San Francisco, in Liber Two of Deeds of Trust, page five hundred and ninety-seven, with all the buildings thereon now existing or

hereafter to be constructed, for the use and benefit of the said San Francisco Ladies' Protection and Relief Society, are and shall be forever exempted from all State, city, and county, or other public taxes and assessments levied under or by virtue of any law or authority of the Government of this State, so long as the said land, buildings, and improvements shall be held by the said San Francisco Ladies' Protection and Relief Society for the benevolent purposes expressed in and in conformity with the conditions of said deed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XLI.—*An Act to amend an act entitled an Act concerning Roads and Highways in the Counties of Shasta and Trinity, approved March twenty-eighth, one thousand eight hundred and sixty-three.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said act is hereby amended so as to read as follows:

Section 6. At the session of the Board of Supervisors for levying State, county, and other taxes, the said Board shall levy upon all able bodied male persons, except Indians, between the ages of twenty-one and sixty years, a road poll tax of not less than two nor more than four dollars per annum, which tax shall be paid in labor, as hereinafter provided, at the rate of two dollars per day; *provided*, that any person liable to perform road duty may pay the same, when called upon by the Road Overseer, in cash; and said Board of Supervisors shall, at the same session, levy a property tax, for road purposes, upon all taxable property in said counties, of not less than five nor more than twenty cents on each one hundred dollars, which said property tax shall be assessed and collected at the same time and in the same manner and by the same officers as other property taxes; *provided*, that when any person shall perform more labor on the highways in any one year than is required by this Act, the Overseer of the district in which said labor shall be performed shall receipt to such person for the extra amount of labor so performed, and said receipt shall be good and receivable for road dues for any subsequent year; *provided*, further, that it shall be the duty of the Assessor, in making said assessment, to keep his books in such a manner as will show in what particular Road District any and all property so assessed shall be situated.

Road Poll Tax.

Property Tax.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows:

Section 7. It shall be the duty of the Collector to keep a separate account of the Road Tax collected in each Road District, and of the Treasurer to keep the moneys so collected in

Disposition and control of funds.

the several districts in separate Funds. These Funds of the several Road Districts shall be under the control of the Board of Supervisors, who may disburse the same for the construction of bridges, the opening or improvement of roads of general utility to such counties, or may in their discretion transfer them to the Road Overseers, to be expended by them in the improvement of the roads—each Fund in the district where it was collected. The Board of Supervisors shall draw money from the Road Fund by drawing their order on the Treasurer, and said orders shall specify the particular Fund from which they are to be paid; *provided*, that in no instance shall the Board of Supervisors draw their orders to exceed the amount in the Road Fund upon which said orders are drawn; *provided*, further, that the Board of Supervisors of Shasta County shall have the power and it shall be their duty to apportion that part of the debt of said county for which warrants have already been drawn and are now outstanding on account of roads, and for the payment of which no provision has been made, among the different Road Districts of said county, pro rata, according to the value of the property assessed in said Districts respectively; and it shall be the duty of said Board of Supervisors, when any of the now outstanding warrants are presented to them, to indorse the same, which indorsement shall be dated, and specify from what particular Fund the warrant is to be paid; *provided*, that the Board of Supervisors, in making such indorsement, shall be under the same restrictions they are in drawing an original order; and it shall be the duty of the Treasurer of said county to pay said warrants when presented to him properly indorsed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XLII.—*An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventy of the Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Penalty for dishonesty of employés.

Section 70. If any Clerk, apprentice, servant, or Agent, to whom any money, or goods, or chattels, or property, shall be intrusted by his master, or employer, or principal, or who shall receive any money or property belonging to his master, employer, or principal, in the course of his employment, service, or agency, shall withdraw himself from his master, employer, or principal, and go away with the said money, goods, chattels, or property, or any part thereof, with the intent to steal the same and defraud his master, employer, or principal thereof, contrary to the trust or confidence in him reposed by his said master, em-

ployer, or principal, or, being in the service of his said master, employer, or principal, shall embezzle the said money, goods, chattels, or property, or any part thereof, or otherwise shall convert the same to his own use, with like purpose to steal the same, every such person so offending shall be punished in the manner prescribed by law for feloniously stealing property of the value of the articles so taken, embezzled, or converted.

CHAP. XLIII.—*An Act providing for the time of holding the several Courts of Record in the Tenth Judicial District.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held in each of the counties composing the Tenth Judicial District of this State terms of the District Court commencing as follows: Terms.

In the County of Colusa, on the first Monday of January, May, and September;

In the County of Yuba, on the third Monday of January, May, and September;

In the County of Sutter, on the fourth Monday of February, June, and October;

In the County of Sierra, on the third Monday of March, and second Monday of July and November.

SEC. 2. There shall be held in each of said counties terms of the County Court commencing as follows:

In the County of Colusa, on the third Monday of January, April, July, and October;

In the County of Yuba, on the first Monday of January, April, and July, and second Monday of October;

In the County of Sutter, on the first Monday of January, April, July, and October;

In the County of Sierra, on the third Monday of April, June, and September, and second Monday of December.

SEC. 3. Terms of the Probate Court shall be held in each of said counties on the first Monday of every month.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after the first day of February, A. D. one thousand eight hundred and sixty-four.

CHAP. XLIV.—*An Act entitled an Act to confirm the Election and official acts of Boards of Supervisors in the several Counties of this State.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election and official acts of Supervisors ratified and confirmed.

SECTION 1. Nothing contained in the Act entitled an Act concerning offices, passed April twenty-second, one thousand eight hundred and sixty-three, shall be deemed to repeal the provisions of law in force at the date of said Act providing for the election of County Supervisors in any of the counties of this State, but the election of Supervisors held in pursuance of the general or special laws then in force is hereby ratified and confirmed, and the Supervisors so elected shall hold their offices respectively for the terms prescribed in such laws, and all official acts performed by the Boards of Supervisors so elected, which Boards of Supervisors of the respective counties may lawfully do, are hereby ratified and confirmed.

SEC. 2. This Act shall not apply to the County of Santa Clara.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. XLV.—*An Act to empower the Board of Supervisors of the City and County of San Francisco to appropriate certain moneys for the purchase of a lot and building adjoining the City Hall, in said City and County, and for alterations and repairs thereof.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid, out of the General Fund, in addition to the sum of fifty thousand dollars provided by Article Twenty-Third of section one of an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriations of money by said Board, approved April fourth, eighteen hundred and sixty-three, the further sum of thirty thousand dollars for the purchase of a lot and building adjoining the City Hall in said city and county, and for alterations and repairs thereof, for the accommodation of the public offices of the city and county.

How paid.

SEC. 2. All sums lawfully appropriated and expended under the provisions of the preceding section shall be paid out of the General Fund, on demands duly audited in the mode prescribed by law for auditing other demands on the Treasury.

SEC. 3. From and after the first day of June, eighteen hundred and sixty-four, and after the purchase aforesaid, it shall not be lawful to pay out of the Treasury of the City and County of San Francisco, or out of any public funds thereof, any money for rent of rooms or offices for Judges' Chambers, the City and County Attorney, the Board of Education, the Board of Delegates of the Fire Department, or for any other officer or officers of the said city and county; *provided*, that this section shall not impair any contract now existing. Payment of rents prohibited.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. XLVI.—*An Act to provide for the holding of a Special Term of the District Court in and for Trinity County.*

[Approved January 30, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for, and the District Judge of the Ninth Judicial District is hereby empowered, authorized, and directed to hold a special term of the District Court in and for Trinity County, commencing on the second Monday in February, eighteen hundred and sixty-four, or on any one of the six judicial days next ensuing thereafter, and all the trials and proceedings had, and all the judgments, decrees, and orders made and entered at said special term shall have the same force and effect and be as binding in law or in equity as though such trials and proceedings were had, and such judgments, decrees, and orders were made and entered at a regular term of said Court. Special term

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XLVII.—*An Act in relation to the office of Assessor of the City and County of San Francisco.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Assessor of the said city and county shall be allowed, to assist him in making his assessment, at such times as he may require between the first day of February and the first day of July in each year, five Deputies in addition to the number now provided by statute. The term for which such additional Deputies shall be paid shall not exceed an average of three months each. The said Deputies shall be paid at the rate of one hundred and fifty dollars per month each. Additional Deputy Assessors allowed.

SEC. 2. The Auditor of said city and county is hereby di-

How paid. rected to audit, and the Treasurer of said city and county to pay out of the General Fund, the salaries herein provided for.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XLVIII.—*An Act to amend Section Two of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed April fourteenth, eighteen hundred and sixty-three.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and thirty-seven is hereby amended so as to read as follows:

Undertaking of defendant Section 137. Before the granting such order, the Court or Judge shall require an undertaking on behalf of the defendant, by at least two sureties, residents and freeholders or householders in the county, to the effect that in case the plaintiff recover judgment in the action, defendant will, on demand, redeliver such attached property so released, to the proper officer, to be applied to the payment of the judgment, and that in default thereof the defendant and sureties will on demand pay to the plaintiff the full value of the property released. The Court or Judge granting such release may fix the sum for which the undertaking shall be executed, and if necessary in fixing such sum to know the value of the property released, the same may be appraised by three disinterested persons to be appointed for that purpose. The sureties may be required to justify before the Court or Judge, and the property attached shall not be released from the attachment without their justification, if the same be required.

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Attachments

CHAP. XLIX.—*An Act to amend Section One of an Act entitled an Act to authorize the Treasurer of Alameda County to collect the Taxes of said County, approved April twentieth, eighteen hundred and sixty-three.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Treasurer ex officio Tax Collector. SECTION 1. That from and after the first Monday in March, eighteen hundred and sixty-four, the Treasurer of the County of Alameda shall be ex officio Tax Collector of said county. He shall be liable, under his official bond as Treasurer, for all taxes collected by him as Tax Collector, and shall, before entering upon the discharge of the duties of his office as such Tax Collector,

take an official oath for the faithful performance of the same. All duties and liabilities at present imposed upon the Sheriff of said county as ex-officio Tax Collector shall devolve on the Treasurer as ex-officio Tax Collector; *provided*, that the Sheriff of said County of Alameda shall retain the right to issue the licenses of said county and collect the taxes thereon the same as before the passage of this Act. The Treasurer shall receive as ex-officio Tax Collector, as compensation for his services, each year, a sum to be fixed by the Board of Supervisors, which sum shall not exceed the sum allowed by law for collecting the State revenue; *provided*, that if the Board of Supervisors shall not see fit to allow the Treasurer the whole of said sum or percentage for the collecting of the State revenue, then the overplus shall be paid into the Common School Fund of the county. All general laws relating to Sheriffs, as Tax Collectors, shall apply to and govern the Tax Collector herein named, except where such general laws are inconsistent with the provisions of this Act.

Proviso.

Compensation.

Proviso.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-four.

CHAP. L.—*An Act to change the name of James Fitzpatrick.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the person heretofore bearing the name of James Fitzpatrick, a resident of the County of San Francisco, to change the said name to that of James F. Smith.

Name changed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LI.—*An Act amendatory of an Act entitled an Act to provide Revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-eight of said Act is hereby amended so as to read as follows:

Section 68. If any person shall give to the Tax Collector or his Deputy a false name, or shall refuse to give his name, or if any person having men in his employ, shall refuse to furnish the Poll Tax Collector, or his Deputy, when requested, the

Penalty for giving false name.

name and residence of each man employed by him, or if such person shall refuse to grant free access to the Collector or his Deputy to the building or place where such men are employed, he shall be guilty of misdemeanor, and shall be arrested upon complaint of the Tax Collector or his Deputy, and upon conviction before a Justice of the Peace, he shall be punished by a fine of not less than ten dollars or more than one hundred dollars, or by imprisonment for a term not less than two days nor more than three months, or by both fine and imprisonment.

Misdemeanor.

Penalty.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LII.—*An Act to fix the compensation of the Board of Supervisors of Yolo County.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Per diem.

SECTION 1. Each member of the Board of Supervisors of the County of Yolo shall be entitled to receive for his services for each day's necessary attendance on the business of the county, the sum of six dollars per day; *provided*, no member of said Board shall receive more than four hundred dollars in the aggregate for any one year.

Proviso.

Mileage.

SEC. 2. Each member of said Board shall also receive twenty five cents per mile for each mile necessarily travelled in going to and returning from the county seat to attend to the business of the county.

SEC. 3. All Acts and parts of Acts inconsistent with this Act, so far as does relate to Yolo County, are hereby repealed.

CHAP. LIII.—*An Act to authorize the Controller of State to issue Duplicate Warrant to Amos Adams.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Warrant to issue.

SECTION 1. The Controller of State is hereby authorized to issue to Amos Adams, or to his heirs or assigns, a duplicate Warrant Number Five Thousand Six Hundred and Nine, in lieu of the original, being lost.

Bond required.

SEC. 2. Before said Warrant shall be delivered to the person above named, or his legal representatives, the Controller shall demand and receive from him, or his heirs or assigns, a bond of indemnity, in the penal sum of one hundred dollars, said bond

being payable to The People of the State of California, conditioned against the appearance of the original Warrant.

SEC. 3. The duplicate herein provided to be issued shall be to all intents and purposes as good, and all and every incident thereto shall be as effectual to all intents and purposes as though it was the original Warrant, having the proper assignment thereon, and in all legal proceedings it shall have the same force and effect as the original would have, were it existing; *provided*, that if the original Warrant hereafter be found, the duplicate thereof herein directed to be issued shall be null and void to all intents and purposes whatever. Proviso.

CHAP. LIV.—*An Act to prevent the Trespassing of Animals upon private property in the Counties of Santa Barbara, San Luis Obispo, and Monterey.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person or persons who are the owner, or owners, or managers of any horses, mules, jacks, jennies, or cattle, and who are not the owners or legal occupants of sufficient grazing land to pasture and maintain the same, to turn loose or drive such animals upon the land of any owner or legal occupant without consent, to pasture and maintain the same, and the owner, owners, or managers of such animals shall, upon due written notice being given by the owner or occupants of the lands so trespassed upon, remove such animals within five days after such notice, and if not so removed, then the owners or occupants of lands so trespassed upon may make complaint before any Justice of the Peace of the county, who shall, upon proof being given, order such animals to be removed forthwith, and if not so removed, then such owner, owners, or managers, shall, in the discretion of the Justice, be fined in a sum not less than ten nor more than one hundred dollars, and all costs; and if the trespass be repeated by the neglect of the owners or managers of such animals, he or they shall, for the second and every subsequent offence or trespass, be subject to double such fines, all of which fines to be paid to the County Treasurer; one half of which to be applied to the Common School Fund of the County. Trespassing defined. Penalty.

SEC. 2. This Act shall not apply to persons travelling with or driving animals, as provided in this Act, to market, except when such owners or managers stop more than two days on the lands owned or occupied as herein mentioned without the permission of such owner or occupant; nor shall it apply to the owners or legal occupants of grazing farms whose lands are proportionate to the number of their cattle and horses. The maximum number of large cattle and horses shall be twelve hundred head to the square league of land of such owner or legal occupant, or in that proportion for a greater or less quantity of land. Drovers exempt.

Applied only to certain counties.

SEC. 3. This Act shall only apply to the Counties of Santa Barbara, San Luis Obispo, and Monterey, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. LV.—*An Act to define and limit the Compensation of Officers, and reduce public expenses and taxation in the County of San Mateo.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Payments out of County Treasury.

SECTION 1. No payment shall hereafter be made from the Treasury of the County of San Mateo, or out of the public funds of said county, unless such payment be expressly authorized by statute, nor unless the claim or demand therefor be duly audited according to the provisions of this Act; *provided*, that the provisions of this Act relating to the auditing of demands on the Treasury shall not be considered as repealing or modifying the provisions of law relating to the transfer of State funds from the County to the State Treasury, nor shall said provisions relating to auditing apply to the county bonds of the County of San Mateo, or coupons for interest thereon, duly executed and issued in pursuance of any special Act of the Legislature; and, *provided*, further, that all moneys belonging to the School Fund, or collected and appropriated by law for the support of Public Schools, shall be received, held, paid out, and disbursed in conformity with the provisions of the general laws relating to Public Schools, subject to such additional rules and regulations, not in conflict therewith, as the Board of Supervisors may establish.

Proviso.

School Fund.

Lawful claims, how verified.

SEC. 2. Every person having a lawful claim payable out of said County Treasury, or out of any public funds of said county, excepting those referred to in the provisos to the preceding section, shall within six months after it accrues, present a demand therefor in writing, signed by him or his Agent, and verified by affidavit, stating minutely what the claim is for, by what particular provision of law its payment out of the Treasury is authorized, and specifying each several item, with the proper date and amount thereof; *provided*, that the claims or demands for compensation due to jurors and witnesses, which by some express provision of law may be made payable out of the County Treasury, shall, at the end of each term of the several Courts, be made out and certified in duplicate to the Auditor by the County Clerk, giving the names separately, with time and date of service, and amount due to each, and referring to the particular provision of law authorizing the payment thereof out of the County Treasury. The Auditor shall carefully examine into the correctness and legality of the claims thus certified,

Proviso.

Jurors.

Duty of Auditor.

and indorse his allowance (so far as found correct and legal) upon the duplicate copies, one of which shall be filed and registered in his office, and the other of which shall be delivered to the County Treasurer, which shall be a sufficient warrant for the payment by him of the amount so allowed.

Official salaries, etc.

SEC. 3. If such demand be for official salaries, or any other claim, the payment whereof out of said County Treasury is expressly authorized by the statute, and the precise amount of which is fixed by law, the Board of Supervisors having no authority either to reject the demand or to modify or determine the amount to be allowed and paid, then the verification thereof may be omitted, and the demand, being in due form, the Auditor shall indorse his allowance thereon when presented to him, and the Treasurer shall pay it without requiring any previous approval thereof by the Board of Supervisors. In all other cases the demand must be submitted to and approved by the Board of Supervisors, and afterwards be presented to and be allowed by the Auditor before it can be paid; *provided*, that if the demand be for the salary of the Auditor himself, it shall be presented to and be allowed by the County Judge, and shall afterwards be registered in the Auditor's office, like other demands on the Treasury.

Auditor's salary.

Claims null and void when made by county officers other than salaries

SEC. 4. No demand on the County Treasury, (except for official compensation of the person in whose name it is presented,) wherein any county officer shall be personally interested, or arising out of any contract wherein any county officer shall at any time, while in office, have been a party or otherwise personally interested, shall be approved, allowed, or paid; but every such contract, claim, and demand is hereby declared to be null and void. No demand on the County Treasury shall be allowed by the Auditor in favor of any person in any manner indebted to the county, or to the Treasury thereof, without first deducting such indebtedness; nor in favor of any officer whose accounts shall not have been rendered and approved, or who shall have neglected or refused to make his official returns or reports in writing, as required by law; or in favor of any officer who shall knowingly and wilfully neglect to perform any of the duties of his office, after being thereunto admonished and required in writing by order of the Board of Supervisors. The Auditor shall have power to examine, orally or otherwise, on oath, the person presenting any demand on the Treasury, or the Agent or Attorney of such person, or any other person, in order to ascertain any facts necessary or proper for him to know, in order to determine his allowance or disallowance of such demand.

Auditor to administer oath to creditors of county.

Auditor shall number claims allowed.

SEC. 5. The Auditor shall, upon the allowance and registration by him of any demand upon the Treasury, place a number upon it, (which number shall begin with the fiscal year, and run successively to the end of it,) and shall specify in his allowance, to be indorsed thereon, out of what Fund it is payable. He shall keep a record of his determination upon every demand submitted for his allowance, and shall register in a well bound book, to be by him kept for that purpose, all demands on the Treasury

Book to be kept.

by him allowed, showing the number, date, amount, when allowed, out of what Fund payable, in whose name presented, the subject matter of the claim substantially stated, and, if previously approved by the Board of Supervisors, the date of the order of approval. No demand shall be deemed audited within the meaning of this Act until it shall have been approved, allowed, and registered by the Auditor, as herein required, nor unless the fact of such approval, (when requisite,) allowance, and registration, shall appear by the proper indorsements upon such demand. But the auditing of any demand upon the Treasury which, upon its face and indorsements thereon, shall appear not to be expressly authorized by law, shall afford no warrant for the payment thereof.

Auditing not final.

Liability of officers for auditing or paying illegal demands.

SEC. 6. Every officer, (including each Supervisor,) who shall draw any unauthorized warrant, or approve, allow, or pay any illegal or unauthorized warrant, claim, or demand, upon the County Treasury, or pay out or disburse any School or other county funds or moneys contrary to or without the authority of law, shall be liable to the county for the amount thus directly paid, or paid out, or disbursed, on such warrant, claim, or demand, and the same may be recovered by an action against the persons so liable therefor jointly or severally, in the name of The County of San Mateo. It shall be the duty of the Board of Supervisors and each member thereof, as well as of the District Attorney, to see that suit is brought in the proper cases for the enforcement of the provisions of this section, and in case of neglect on the part of said officers, said suit shall be brought and prosecuted whenever so directed, by an order in writing, signed by any ten out of thirty tax payers of said county standing highest on the assessment roll thereof then last completed and equalized in respect to the assessed value of their property, real and personal. The vote of each Supervisor on every question, order, or matter acted upon by the Board of Supervisors, except adjournments, shall be recorded in the minutes of the Board.

Duty of District Attorney and Supervisors.

Each vote of Supervisors to be recorded.

Officers prohibited from contracting debts.

SEC. 7. Neither the Board of Supervisors, nor any officer, officers, or authority, shall have power to contract any debt against the County of San Mateo, and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, or of any claims against the county, except such legal and proper expenses thereof as shall accrue after the commencement of the fiscal year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one fiscal year shall ever be applied towards the payment of any expenses, debt, or liability, incurred during any preceding fiscal year. It is, moreover, declared that the fiscal year commences on the first day of July, and ends on the thirtieth day of June.

Fiscal year.

Lawful demands to be paid in order of registration.

SEC. 8. Every lawful demand duly audited as in this Act provided, shall be paid on presentation to the County Treasurer, if sufficient funds exist in the Treasury legally applicable to that purpose, and if not, then such demand shall be registered by the Treasurer in a book to be by him kept for that purpose, with its number, amount, in whose name presented, on what ac-

count, and when allowed, out of what Fund payable, with the date of such registration. All demands thus registered shall be paid out of moneys afterwards coming into the Treasury applicable thereto, in the order of their registration, that is to say: out of any moneys in the proper Fund arising from the revenues properly and strictly belonging to the fiscal year in which the claim accrued, or from the surplus revenues or funds of any preceding year, remaining in the Treasury after the satisfaction of all lawful claims and demands against the same; and against such moneys or funds only shall such demand be deemed valid either in law or equity. But if no such moneys or funds sufficient and applicable for the payment of such demand in its order shall afterwards come into the Treasury, then the same shall be forever barred and extinguished; *provided*, that the Board of Supervisors, when and as long as they shall deem it expedient, may by an order duly entered in their minutes, provide for, set apart, and cause to be retained in the Treasury a surplus Fund in actual cash not exceeding one thousand dollars, to be used from time to time for lawful objects of urgent and unforseen necessity, payments out of said Fund to be subject to the provisions and restrictions of this Act. Every demand and every warrant paid by the Treasurer shall, at the time of payment, be by him cancelled and filed and preserved in his office, and all such cancelled demands and cancelled warrants shall, at the end of each fiscal year, be handed over to the Auditor, who, after examining each one separately, and finding or causing it to be cancelled, as aforesaid, shall file and preserve them in his office.

Limitation.

Paid warrants to be cancelled and delivered to Auditor.

SEC. 9. The Board of Supervisors of the County of San Mateo are hereby empowered to fix the rate and levy all taxes in said county (State taxes excepted) at any time within thirty-five days after the completion of the assessment roll by the County Assessor, the rates so fixed not to exceed the limits prescribed by law; *provided*, that the taxes upon personal property belonging to persons not owning real estate in the county, and required by law to be assessed and collected before the completion of the assessment roll, or while the assessment is progressing, shall be levied at the time now required by law, at a rate or percentage for each specific tax, approximating as near as may be to the rate which the Board of Supervisors will probably deem it necessary to levy upon the whole assessment roll after its completion. If the amount so levied and collected on such personal property shall exceed the rate finally fixed and levied upon the whole assessment roll, the excess shall be refunded to the person paying it, on application to the Treasurer, at any time within sixty days after the rate of the general tax has been fixed and levied as aforesaid, but not afterwards.

Levy of taxes.

Proviso.

Personal property.

SEC. 10. The following shall be the compensation of officers of the County of San Mateo, to be paid them quarterly out of the County Treasury:

Salaries of county officers.

County Judge, one thousand dollars per annum.

District Attorney, five hundred dollars per annum.

Superintendent of Public Schools, three hundred dollars per annum.

County Treasurer, one thousand dollars per annum.

County Auditor, five hundred dollars per annum.

County Assessor, six dollars a day for each day's actual service necessarily rendered in the discharge of his duties, not more than one half his per diem to be paid until after he shall have completed the general assessment roll of the county according to law; and the whole compensation of the Assessor, for all duties required of him by law, not to exceed six hundred dollars in any one year, exclusive of his lawful commissions on the collection of poll taxes; all Deputies employed by him to be at his own expense; the amount of services rendered by the Assessor, and total compensation for each year, to be ascertained and determined by the Board of Supervisors, subject to the limits aforesaid.

Deputy Assessors to be paid by Assessor.

Supervisors' salary.

Supervisors, five dollars a day for each day's attendance upon the meetings of the Board of Supervisors, not exceeding twelve days in any one year; but each Supervisor shall, in addition to his aforesaid per diem, be allowed mileage at the rate of ten cents per mile going to and returning from each actual session of the Board, not exceeding twelve sessions in any one year.

Sheriff, Coroner, Surveyor, Justices, etc.

SEC. 11. The Tax Collector, for the discharge of the duties still devolving upon him under the provisions of section nineteen of this Act, shall receive such compensation as the law now allows or may provide hereafter. The Sheriff, Coroner, County Clerk as such and as County Recorder, the County Surveyor, Justices of the Peace, and Constables of said county shall continue to receive for their official services (except from the public Treasury or funds) such fees and compensation as are now allowed them by law; and for official services hereafter rendered, for which the law now provides and fixes a compensation, to be paid out of the public Treasury or funds. The County Clerk as such and as Clerk of the Board of Supervisors and Clerk of the Board of Equalization, or in whatever other capacity he may be authorized and required to act, shall, in lieu of the fees and compensation now allowed him by law, receive from the County Treasury the sum of three hundred dollars per annum; and the other officers named in this section shall receive for such services, out of the County Treasury, such fees and compensation as the law now allows them from that source, subject to the power which is hereby conferred upon the Board of Supervisors, to reduce and limit such compensation to a rate and amount below the legal allowance which the Board shall deem reasonable and consistent with the public interest; and in reducing and limiting such fees and compensation to be paid from the County Treasury, said Board may take into consideration the profits of the respective office arising from other sources.

Salary of County Clerk

Fees.

Allowance by the State for services rendered the State, to be paid into County Treasury.

SEC. 12. Any compensation or allowance made by the general revenue or other laws of this State, out of the State Treasury or funds, to the Assessor, Auditor, Treasurer, or Clerk of the Board of Equalization, shall hereafter be retained in or be paid into the County Treasury as part of the General Fund of the county, except the mileage allowed by the State to the County Treasurer, which mileage he shall be entitled to receive and retain to his own use; and no law which shall hereafter be enacted providing for or increasing the compensation of any county officer or officers shall be deemed or construed to apply to such officer

or officers of the County of San Mateo, unless it be therein so provided by the express mention and including of said county by name.

Record of fees to be kept and filed with Auditor.

SEC. 13. All officers of the County of San Mateo, and all local officers, resident and officiating therein under the State laws, who shall receive or be entitled to any fees, commissions, or other official compensation in addition to, or otherwise than by way of fixed annual salaries payable out of the County Treasury, shall respectively set down in a book, to be by them kept for that purpose, an exact and full account in detail of all fees, commissions, or other such compensation by them earned, or collected, or received for official services, including allowances, if any, which may have been made them out of the State Treasury or funds, and on the first Monday of July, in each year, shall deliver to the County Auditor, to be by him filed and preserved in his office, a complete and detailed report or statement in writing, verified by their affidavits, respectively, of all such fees, commissions, and compensation by them earned, collected, or received during the fiscal year then next preceding, at the same time exhibiting for the inspection of the Auditor the book of account to be by them kept as aforesaid. The Auditor shall carefully inspect the said books, as well as all other official books and records in their custody, and may also, if he considers it necessary, examine the officer orally under oath for the purpose of ascertaining the correctness of such statement or report.

Auditor to inspect books.

County officers to report annually to Board of Supervisors.

SEC. 14. The District Attorney, County Clerk, County Recorder, Sheriff, Coroner, County Surveyor, and Superintendent of Public Schools, shall also, annually, on the first Monday of July, make report in writing to the Board of Supervisors, in such form and with such practical minuteness as the Board may by standing order prescribe, of the transactions and business of their respective offices during the fiscal year next preceding, and at the same time and for the same period the Auditor shall make a full and detailed report of the financial affairs of the county, including in it a minute statement of the receipts and expenditures for said period, and a careful estimate of the revenue and expenses of the county for the succeeding year. The Treasurer shall also make quarterly statements to the Board of his receipts and payments, with such particularity and details as may be required by order of the Board.

Auditor's duty.

Treasurer's duty.

RoadMasters

SEC. 15. No officer not named in sections ten or eleven shall receive any compensation from the County Treasury, except Road Masters and such officers as may be appointed and entitled to compensation under the provisions of the general laws relating to Public Schools, nor shall any officer named in said sections receive out of the County Treasury or out of any public funds, any other or any additional or greater compensation than as therein specified, in whatever capacity such officer may be authorized or required to act ex-officio, nor shall any allowance or provision beyond the fixed compensation aforesaid be made to or for them or any of them, to be paid out of the public funds or Treasury, to provide for Deputies, Clerks, or other assistance, or under the name of office rent, fuel, lights, stationery, contingencies, or in any manner or form whatsoever, except as provided in sections sixteen and seventeen of this Act.

Extra or additional duties not to be paid for.

Rent, stationery, lights, fuel, etc., of county officers.

SEC. 16. Furniture, fuel, lights, blank books, and stationery, such as the Board of Supervisors shall deem necessary and specify by an order to be entered in their minutes, may be supplied for the use of the District, County, and Probate Courts, and for the offices of the County Clerk and Recorder, County Treasurer, Assessor, Auditor, District Attorney, and Board of Supervisors, but no furniture, fuel, or light, shall be furnished for any rooms or offices out of the County Court-house, and the expenditure for objects mentioned in this section is limited to cases where the same is now authorized by law.

County Clerk

SEC. 17. If, from the annual statement and report of the County Clerk, made under the provisions of section thirteen, it shall appear that the entire income of the office of County Clerk and Recorder, for the fiscal year then next preceding, including the sum of three hundred dollars to be allowed him from the Treasury, as provided in section eleven, shall not have amounted to twenty-one hundred dollars at least, and also to a sum in addition thereto sufficient to pay a Deputy, at the rate of one hundred dollars per month for all the time that such Deputy shall, in the judgment of the Board of Supervisors, have been necessarily employed in said office, then and in such case the said Board may, by an order duly made and entered, on the written application of the County Clerk, allow him to be paid out of the County Treasury, in lieu of the said sum of three hundred dollars, the following compensation, namely: As Clerk of the Board of Supervisors and Clerk of the Board of Equalization, the same per diem as Supervisors, to be allowed during the actual sessions of the Board only; also, his legal fees in criminal and other suits where the same are by law chargeable to the county, the amount so allowed by the Board in any one suit not to exceed six dollars for all services where the suit has been disposed of without trial, judgment, or conviction, and ten dollars in suits where a trial, judgment, or conviction has been had;

Deputy.

Proviso

provided, that the compensation allowed to the said County Clerk and Recorder, whether under this section or section eleven, shall be deemed to be in full for all official services rendered by that officer, his Deputies, or Clerks, in any and every capacity in which he may be empowered or required to act, ex-officio or otherwise.

Recorder.

Auditor.

SEC. 18. The County Recorder of San Mateo County shall no longer be ex-officio Auditor of said county, but an Auditor shall be elected by the qualified electors of said county at the next regular election for Supervisors of said county, and at the regular election for Supervisors of said county every two years thereafter, to hold office for two years next succeeding his election, and until his successor shall be elected and qualified; he shall take the oath of office required by the Constitution, and give bonds in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office in the manner and form prescribed by the law relating to official bonds. Immediately after this Act takes effect the Board of Supervisors of San Mateo County shall appoint an Auditor, who shall enter upon his duties immediately, and hold office until the election and qualification of his successor as aforesaid. The Auditor

Term of office.

Bonds.

shall not be liable to serve on juries, and during his continuance in office shall be incapable of holding any other county office.

Treasurer to be Tax Collector.

SEC. 19. All moneys which, under the laws of this State, the Tax Collector of the County of San Mateo is now authorized to collect and receive, and all moneys due to or destined by law to be collected and handed over to the County Treasurer, (except as hereinafter in this section mentioned,) shall henceforth be payable and be paid directly to the Treasurer of said county, and not to the Tax Collector; and the said County Treasurer exclusively shall exercise and perform all the powers and duties conferred or enjoined upon the Tax Collector by the provisions of the Act entitled an Act for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, except those specified in sections thirty and thirty-one of said Act, the provisions of which sections shall continue in force, and the powers, duties, and obligations of the Tax Collector, therein mentioned, and his powers, duties, and obligations under the laws providing for the collection of license taxes are also hereby declared to continue and remain in full force. And the Assessor of the County of San Mateo is hereby constituted and declared to be ex officio Collector of all poll taxes, with all the powers, duties, obligations, and the compensation provided and prescribed by law. Whenever the person now holding the office of Tax Collector of said County of San Mateo shall cease to hold said office by the expiration of his term, or by resignation or otherwise, then and thenceforth the Sheriff of said county shall be and he is hereby constituted Tax Collector for said county, ex officio, but shall not be required to give any additional bond as such, except in such case and for such sum as the Board of Supervisors shall deem necessary, and by order duly made and entered in their minutes direct.

Assessor ex officio Collector of poll taxes.

Sheriff to be Tax Collector.

Duty of Board of Supervisors

SEC. 20. The Board of Supervisors of the County of San Mateo shall have power to establish such general rules and regulations, not contrary to law, as they may deem necessary for carrying the provisions of this Act into complete effect; but all such rules and regulations shall, before the same can go into effect, be entered at length in some book of record, to be kept by the Board, and be published in such mode as the said Board shall prescribe.

Repeal of conflicting laws.

SEC. 21. The County of San Mateo is hereby exempted from and excepted out of every provision of law which is in conflict or inconsistent with the provisions of this Act.

SEC. 22. This Act shall take effect and be in force from and after the date of its passage.

CHAP. LVI.—*An Act to fix the bonds of the Treasurer of the County of Santa Barbara.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Oath. Bonds. Proviso.

SECTION 1. The Treasurer of the County of Santa Barbara, on or before entering upon the duties of his office, shall be required to take the oath of office, and give bonds in the manner now prescribed by law, conditioned for the faithful performance of the duties of his office in the sum of twenty thousand dollars; *provided*, from and after the passage of this Act the County Judge of the County of Santa Barbara may require from time to time additional and increased bonds from the County Treasurer of said county.

SEC. 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. LVII.—*An Act to provide for Opening and Grading Huntoon Street, in the Town of Oroville, from the Railroad Depot in said town to Safford Street.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax levied. Proviso. Assessor appointed. Commissioners to expend money.

SECTION 1. A tax of one and one half per cent on all taxable property fronting or bordering on Huntoon street, between the Railroad Depot site and Safford street, in the Town of Oroville, County of Butte, and State of California, is hereby levied, for the purpose of opening and grading said street between the points above specified; *provided*, the assessed value of said property shall not exceed that of the year eighteen hundred and sixty-three.

SEC. 2. A. G. Simpson is hereby constituted and appointed to assess the real property fronting and bordering on said street, and to collect the tax on the same when assessed.

SEC. 3. Seneca Ewer, Max Brooks, and J. B. Barker are hereby constituted and appointed a Board of Commissioners, to expend all moneys accruing under this Act for the uses and purposes contemplated by this Act, and shall make an exhibit in writing of all expenditures, which shall be filed with the Clerk of the County of Butte.

SEC. 4. Huntoon street is hereby declared a public highway, sixty-six (66) feet in width, from said Depot site to Feather River.

SEC. 5. It shall be the duty of the said Tax Collector to pay over all moneys from time to time, as collected by him, to the

said Board of Commissioners, and also to make and hand over to the District Attorney of said county a list of all delinquent taxes at the expiration of fifteen days after said assessment shall have been completed. Duty of Tax Collector.

SEC. 6. It shall be the duty of the District Attorney to proceed to collect said delinquent taxes in the same manner delinquent State and county taxes are now collected by law, and the general revenue laws of this State, so far as not inconsistent with this Act, are hereby made applicable to this Act. Said District Attorney, said Assessor and Collector, and said Commissioners, shall not receive any compensation for any services rendered under the provisions of this Act. Duty of District Attorney. Compensation.

SEC. 7. This Act shall take effect and be in force from and after its passage, but shall expire with the year eighteen hundred and sixty-four. Limitation.

CHAP. LVIII.—*An Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, one thousand eight hundred and sixty-one.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

That the Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, one thousand eight hundred and sixty-one, be and the same is hereby amended so as to read as follows:

SECTION 1. The inhabitants of the Town of Grass Valley, County of Nevada, are hereby constituted a body politic and corporate, under the name and style of the Town of Grass Valley, and by that name and style they and their successors shall be known in law, and shall have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all the liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, except as otherwise expressly provided in this Act. Town incorporated.

SEC. 2. The area of said town shall be twelve hundred yards square, lying north and south, of which the northwest corner of the Congregational Church shall be the centre. Area.

SEC. 3. The Board of Trustees of said town shall not have the power to incur any expense or contract any liability, except for the sole purpose of purchasing water and water rights, purchasing and laying pipes, constructing aqueducts, ditches, and reservoirs, or other works for duly supplying the town with water, and to provide such means as they may deem necessary to protect the town from fire, unless there be money in the Treasury to pay the same. Board of Trustees. Water works

SEC. 4. The Board of Trustees shall have power to establish

Pound. a Pound for the impounding of stray and loose cattle and animals, and to appoint a Pound Master, who shall have power to appoint a Deputy to take charge of the same; and the Board of Trustees shall have power to pass all proper ordinances defining and prescribing the duties of such officers, to prohibit the owners of such cattle and animals from permitting the same to run at large, and to regulate the impounding, sale, or other disposition of cattle and animals so impounded. And the certificate of sale of the Pound Master shall be and hereby is declared prima facie evidence of title to property sold by him under the provisions of any ordinance of said town.

Ordinances relating to impounding and sale of cattle.

Road Overseer. SEC. 5. The Board of Trustees shall have power to appoint a Road Overseer for said town, and to levy and collect the legal road tax annually, in the manner and under the provisions of the Act entitled an Act concerning roads and highways in the County of Nevada, passed April fourteenth, one thousand eight hundred and sixty-three, and all Acts amendatory or supplementary thereto, which said Acts are hereby made part of this Act, in so far as the same may be applicable hereto; and to require such Road Overseer to make quarterly or other settlements of receipts and disbursements as the Board of Trustees may provide; and the Board of Trustees shall require such Road Overseer to execute and file a good and sufficient bond for the faithful performance of his duties, in such sum as they may deem requisite, subject to their approval.

Road Tax.

Bond of Road Overseer.

Police powers of officers. SEC. 6. The Marshal, Road Overseer, and Pound Master, and such Deputies as the Board of Trustees may authorize them, by ordinance, to appoint, shall have and hereby are invested with police powers, and are hereby declared to be peace officers; and in addition to such compensation as may be provided and prescribed by ordinance for other duties, shall receive for making arrests, and other services in criminal cases, such legal fees as are now provided by law for services of Constables in like cases.

Compensation.

Levy of taxes of 1862 legalized. SEC. 7. That the levy and assessment ordered by the Board of Trustees on the ninth day of June, one thousand eight hundred and sixty-two, of corporation taxes for the year eighteen hundred and sixty-two, and made by M. M. Metcalfe, Town Assessor of said town for said year, shall be and the same is hereby legalized and declared valid and effectual for all purposes, both in law and equity; and the list of delinquents certified by John A. Cunningham, Marshal and Tax Collector of said town for said year eighteen hundred and sixty-two, is hereby declared prima facie evidence of the levy, assessment, and delinquency of said taxes for the said year eighteen hundred and sixty-two; and such assessment is hereby declared to be a lien upon all the real and personal property described in said list, to attach from and after the passage of this Act.

Delinquents of 1862.

Lien to attach.

Levy of taxes of 1863 legalized. SEC. 8. That the levy and assessment of corporation taxes made by the Board of Trustees of said town for the year eighteen hundred and sixty-three is hereby declared valid and effectual in law and equity; and the same shall be and is hereby declared a lien upon all the real and personal property described in the assessment roll of said town for the said year eighteen hundred and sixty-three, such lien to attach from and after the passage of this Act.

Lien.

SEC. 9. The corporation tax hereafter to be levied and assessed by the Board of Trustees of said town, shall annually become and is hereby made a lien against the property, both real and personal, assessed and described in the assessment roll of said town, which lien shall attach on the day of the first publication of the ordinance declaring and levying such tax. Lien of taxes hereafter levied.

SEC. 10. Upon the return of the assessment roll by the Town Assessor in each year, the Board of Trustees shall give notice by publication in a newspaper published in said town, if one there be, otherwise, by notices posted in public places, that such assessment roll is open for inspection, and shall give like notice of the times and places when and where said Board will sit as a Board of Equalization; and, at such times shall hear all complaints, may require testimony, and may increase or diminish the assessment of particular persons or property, or add any property that may have been omitted, as may be just and equitable. Assessment roll. Board of Equalization

SEC. 11. The provisions of the Act entitled an Act to provide revenue for the support of the government of this State, approved May seventh, eighteen hundred and sixty-one, and all Acts amendatory and supplementary thereto, in so far as the same are or may be made applicable to the levying, assessment, and collection of all taxes on real and personal property, and all poll taxes levied and assessed by virtue of any ordinance of the Board of Trustees of said town, shall be and the same are hereby extended to all cases arising under such ordinances; and the said Board of Trustees are hereby authorized to employ an Attorney-at-law to prosecute all suits for the collection of delinquent taxes, who shall receive the same compensation for such services as is now allowed by said Act to District Attorneys for similar services; *provided*, that such compensation shall be collected from the defendants and shall not in any manner become a charge against the Town Treasury. General revenue laws to apply. Attorney to prosecute delinquents.

SEC. 12. This Act shall take effect from and after its passage.

CHAP. LIX.—*An Act to provide for the Collection of Delinquent Taxes in the City of Nevada.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessments of taxes upon all property, both real and personal, in the City of Nevada, whether for municipal or other purposes, for the year ending on the fourth day of May, A. D. eighteen hundred and sixty-three, and also for the year ending on the second day of May, A. D. eighteen hundred and sixty-four, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed. Taxes of 1863 and 1864 legalized and confirmed.

SEC. 2. All such taxes levied or assessed upon any real estate,

Taxes to be a lien on property.

or any improvements on real estate, within the corporate limits of the City of Nevada, shall be a lien upon such real estate or improvements, and it shall be competent for the City of Nevada to proceed *in rem* against such real estate and improvements, or against the person liable for the taxes thereon, or against both, for the collection of said taxes; and in all proceedings taken for the enforcement and collection of said taxes, it shall be sufficient to describe such real property, or the improvements thereon, by the reference to the street and number of such real property or city lot, as the same appears upon the map and plan of the City of Nevada, prepared by Ostrom and Caswell, and now on file in the office of the City Marshal of Nevada, and such description shall be sufficient if it can be ascertained therefrom what land it is intended to describe.

Proceedings in rem.

Official map of city.

Delinquent tax list.

SEC. 3. The Marshal of the City of Nevada shall deliver to such Attorney-at-law as the Board of Trustees of said city may designate, the several assessment rolls of the City of Nevada for the years eighteen hundred and sixty-two and eighteen hundred and sixty-three, with those parcels of property, real and personal, marked as "delinquent" for each year that the taxes upon the same have been unpaid, and such assessment roll, with the unpaid taxes thus recorded "delinquent," shall constitute the delinquent tax list.

Duty of Attorney.

SEC. 4. The Attorney for the city may bring suit in the name of the "City of Nevada," and in the Courts of Nevada County, for the recovery of such delinquent taxes; such suits may, at the option of said Attorney, be brought to recover personal judgment against the parties liable to pay such taxes, or may be proceedings *in rem* to enforce the lien of said taxes against the property charged with the same, or both.

Duty of Attorney.

SEC. 5. In bringing such action, said Attorney shall file his written complaint in the proper Court, designating therein the amount of taxes due, the years in which the same became delinquent, the character and quantity of property assessed, if personal, or if real, describing the same by the reference provided in section two. And the defendant shall not be allowed to set up or show any informality in the levy or assessment as a defence, nor that he is not a resident of the City and County of Nevada, but such defendant shall be allowed to plead and show only:

Limitation of rights of defendant.

What defendant may plead.

First—That the taxes had been paid before the suit.

Second—That he had not the property mentioned in the complaint at the time of the assessment, and has never been liable to pay said taxes—said defendant being allowed to plead and show said second defence only in discharge of his own personal liability for said taxes, and not in release of any lien for taxes then attaching to said property.

Delinquent tax list evidence of formality.

SEC. 6. The delinquent tax lists for said several years, duly certified by the proper officer, shall be evidence in all the Courts to prove the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with, and neither the delinquent tax list nor assessment roll need be filed in any case.

SEC. 7. If the name of the owner of any property upon which the taxes remain unpaid be unknown, or if the same has

been assessed to an unknown owner, the person liable to pay the same may be sued by a fictitious name, and the summons served as hereinafter provided, and a deed derived from the sale of such property under the provisions of this Act shall be equally conclusive against the true owner of such property as if the action had been prosecuted against such owner by his real name, and the real owner had appeared and defended said action.

Suits against unknown owners.

Effect of deed.

SEC. 8. In all actions brought by the City of Nevada for the recovery of a personal judgment against any defendant for taxes due from such defendant to the city, said defendants may be personally served with the summons as in other civil cases, or by publication of a copy of said summons for eight successive weeks in some newspaper published in the county; the service of the summons shall be complete at the expiration of said period of publication, nor shall any affidavit be required to obtain said order of publication, nor shall the validity of said service by publication be in any way affected by the fact that said defendant then was or was not a resident of the City and County of Nevada.

Personal judgment.

Service of summons.

SEC. 9. When any personal judgment is recovered against a defendant for taxes due and delinquent, said judgment may be docketed with the County Clerk of Nevada County, and the same shall constitute a lien upon all real property of said judgment debtor, as in other cases of docketed judgments.

Docketing of judgment.

Lien.

SEC. 10. In all proceedings *in rem*, brought to enforce the taxes against real estate, or the improvements upon real estate, or both, the summons need not name any particular defendant, but may be directed "To all owners of the property described," and whether said owners, known or unknown, are residents of Nevada County or not, the summons herein provided may be served by publishing the notice hereinafter described, once a week for eight successive weeks, in a newspaper published in Nevada County; any number of actions and the service of summons therein may be combined or included in one and the same notice; the notice shall state out of what Court and on what day the summons issued, and shall contain a description of the property named in each of the complaints, and shall briefly denote, by figures, the amount of the taxes and the years in which they were assessed. A notice substantially in the following form shall be sufficient:

Proceedings in rem.

Publication of summons.

STATE OF CALIFORNIA,
County of Nevada.

Before ———, a Justice of the Peace for ——— Township, (or City,) complaints having been filed, and summons thereon having this day issued out of the Court of the said Justice, in the name of The City of Nevada, severally, against the parcels of property situated in said State and county, herein described, to recover taxes assessed thereon in the years and for the respective amounts following, viz: Against (describing ———, described in one of the summons) A. D. one thousand eight hundred and sixty—, for ——— dollars; same property, A. D. one thousand eight hundred and sixty—, for ——— dollars; same property, A. D. one thousand eight hundred and sixty—, for ——— dollars; Total ——— dollars; against (de-

Form of summons.

scribing the land described in a summons) one thousand eight hundred ———, for ——— dollars, against all improvements on (describing the land on which the improvements are situated) one thousand eight hundred ———, against (describing the land described in the summons) and all improvements thereon, one thousand eight hundred ———, for ——— dollars. (Thus briefly enumerating the property and taxes mentioned in each summons.) All owners and claimants of any right, title or interest in any of the property above described, are notified to appear at the office of said Justice of the Peace, in the township (or city) of ———, within eight weeks of the date hereof, and answer the complaint so filed against such property, or judgment will be rendered against such property for the sale thereof, and for the relief prayed in such complaint.

Given under my hand, this ——— day of ———, A. D. one thousand eight hundred and ———.

———, Justice of the Peace.

Service of summons.

The service of such summons shall be complete at the expiration of said period of publication, and if no answer be then filed, the facts stated in said complaint shall be taken as true, and judgment at once entered against said property for the taxes alleged to be due in said complaint, and the Court in which the action may be pending shall have the same jurisdiction and the judgment and decree of Court have the same effect as if every owner and every claimant of any right, title, or interest, either legal or equitable, in any part of the real estate or improvements had been made defendant in said action, and had personally appeared and answered to said complaint.

Jurisdiction of Court.

Notice of sale.

SEC. 11. Upon the rendition of judgment, as provided in section ten, notice of the sale of the property to satisfy the same may be given as follows: Notice of the sale of any number of parcels of property to satisfy any number of separate judgments or decrees may be included in one and the same advertisement, and an advertisement substantially as follows shall be sufficient:

NOTICE.

STATE OF CALIFORNIA, }
County of ———. }

Form of Notice.

Judgments having been rendered on the ——— day of ———, A D. eighteen hundred and ———, by ———, a Justice of the Peace in said county, in divers actions for the collection of taxes, in favor of The People of this State, severally, against the parcels of property situated in said State and county herein enumerated, for sums respectively annexed thereto, and for costs of suit, namely: against (describing one of the pieces of property to be sold,) for ——— dollars (thus separately designating each piece or parcel of property to be sold, and the amount, exclusive of costs, adjudged against each.) By due process, to me directed, I shall on the ——— day of ———, A. D. eighteen hundred and ———, at the door of the Courthouse in said county, sell at public auction each of the pieces

of property above described, to satisfy the judgment so rendered against each, and costs of suit.

———, Marshal.

Sale to be made by Marshal.

SEC. 12. Such sale shall be made by the City Marshal at the day designated in said notice, and at the Court-house door in said city. Such sale may be adjourned from day to day, or from week to week, by proclamation then made by said Marshal. In conducting such sale the terms shall be cash, and the bid taking the smallest portion of such property for the judgment and costs shall be accepted; no more of the property shall be sold than is necessary to satisfy such judgment and costs, nor shall any property be sold for less than the amount of judgment and costs against it.

Postponement.

Amount to be sold.

City may become purchaser.

SEC. 13. The City of Nevada may become the purchaser of any property thus sold for taxes, by bidding the amount of the judgment and costs due upon said property; but said city shall not bid upon any piece of property or real estate a sum less than the whole amount of the judgment and costs then standing against the said property. When the City of Nevada thus becomes a purchaser, it shall receive a certificate of sale and deed executed to the City of Nevada, and shall acquire the title to said property like any other purchaser.

Shall acquire title.

May convey property.

SEC. 14. When the City of Nevada shall become the purchaser of any real property sold for taxes, as provided in this Act, the same may be sold and conveyed by said city in the same manner that real property is sold and conveyed by any other grantor; and the deed of conveyance shall be executed in the name of The City of Nevada, by a majority of the then acting Board of Trustees of said city.

Purchaser to receive certificate.

Time of redemption.

SEC. 15. The purchaser of real property at the tax sale above described shall receive from the Marshal a certificate of sale, reciting briefly the judgment rendered, and its amount, a description of the property as recited in the judgment, the amount bid by the purchaser, and the portion or part of the property (if less than the whole thereof) taken by him for the whole of said judgment and costs, the name of the purchaser, the date of the sale, and said certificate shall further recite that unless said property be redeemed within six months from the day of said sale that the holder and owner of said certificate will be entitled to the Marshal's deed for the property therein described. Within six months from and after the day of said sale the property thus sold may be redeemed by the judgment debtor, or the owner of said property, or his successor in interest in the whole or any part of said property, or by a creditor having a lien, by judgment or mortgage, on the property sold, or some part thereof. Such redemptioner shall pay to the purchaser, or to the City Marshal, to the use of such purchaser, the amount of his bid, together with all subsequent taxes paid by said purchaser upon said property, and fifty per cent upon the whole of such amount bid, and such subsequent taxes; *provided*, that when property thus sold belongs to minors, or persons under legal disability, they shall have until six months after said disability is removed to redeem said property; and, *provided*, also, that in case such minor or person under legal disability shall not so redeem with-

Minors' property.

in six months after such sale, then such redemption may be made by such minor, or other person entitled to redeem, within six months after such disability is removed, by paying or tendering to such purchaser the amount required by this Act to be paid on redemption within six months after sale, together with all subsequent taxes paid by such purchaser on said property, and one per cent per month interest additional upon all such several sums so paid by him.

When to be redeemed.

Unless redeemed Marshal to execute deed.

SEC. 16. Unless the property thus sold shall be redeemed from the purchaser as above provided, the Marshal, after the expiration of said period for redemption, shall, as City Marshal, execute to the owner and holder of said certificate of sale his Marshal's deed to the property so purchased; such deed shall be sufficient if it recite substantially the following facts:

Form of deed.

That a city tax of the City of Nevada, County of Nevada, was assessed upon the property in said deed described, for the year eighteen hundred and ———, and for the amount of ——— dollars; that another tax for the same purpose was in like manner assessed upon the said property, or the improvements thereon, for the year eighteen hundred and ———, and for the amount of ——— dollars; that said several taxes were unpaid and became delinquent; that an action was commenced in ——— Court ——— Nevada County, for the recovery of said taxes, and that such legal preceedings were had in said Court; that upon the ——— day of ———, eighteen hundred and sixty ———, judgment was entered in said Court in favor of said City of Nevada, and against said property, for the sum of ——— dollars taxes, and ——— dollars costs of suit; that pursuant to said judgment said property was advertised for sale in the ———, a newspaper published in said county, for the period of three successive weeks; that after the expiration of said term of publication, the Marshal, upon the ——— day of ———, eighteen hundred and sixty ———, publicly offered said property for sale in front of the Court-house door at Nevada City, for the amount of said judgment and costs, to the highest and best bidder therefor; that at said sale the said ——— became the purchaser of the whole of said property, he having bid the whole of said judgment and costs for the whole of said property, and being the highest and best bidder therefor; that the Marshal's certificate of sale was duly executed to said ———; that six months from the day of said sale has expired, and no redemption whatever has been effected upon said property, or any portion thereof, and that ——— has presented said certificate of sale and demanded a deed of said property. Said deed

Description of property.

shall then, by apt words of conveyance, bargain, sell, and convey to the said purchaser, or the assignee of said certificate of sale, said real property described in said certificate, describing the same by reference to the map and plat of the city before mentioned, and by such other description as may best serve to identify said property; said deed shall be duly acknowledged

Evidence in Courts.

by said officer, and shall in all Courts of justice in this State be held conclusive evidence of every fact therein recited, except actual frauds, or prepayment of the taxes alleged therein to be delinquent; and such deed shall entitle the holder thereof to a

writ of assistance from the District Court to obtain possession of the property therein described.

Attorney's compensation.

SEC. 17. For services performed under this Act, the Attorney for the city shall be entitled to a compensation equivalent to fifteen per cent on the amount recovered, to be added thereto if paid before judgment, if not so paid, twenty-five per cent to be added to and constitute a part of the judgment; and all officers shall perform the services required of them by this Act without the payment of their fees in advance, but they may charge and receive to their own use such fees as are by law allowed for similar services in civil cases; *provided*, always, that said fees are collected from the defendants, and in no case shall the city be liable for services rendered under this Act.

Civil Practice Act to apply.

SEC. 18. The provisions of the Civil Practice Act of this State, so far as the same do not conflict with this Act, are made applicable hereto and part hereof.

Duration of Act.

SEC. 19. All the provisions of this Act applicable thereto may be hereafter applied and enforced by the City of Nevada for the collection of city taxes hereafter assessed and delinquent.

Repealing clause.

SEC. 20. All laws and parts of laws in conflict with this Act, in so far as they relate to the City of Nevada, are hereby repealed.

Take effect.

SEC. 21. This Act shall take effect from and after its passage.

CHAP. LX.—*An Act to extend the time for completing the Turnpike Road leading from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended for completion of road.

SECTION 1. The time for completing the turnpike road mentioned in the Act entitled 'an Act to grant the right to construct a turnpike road from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador, approved March twenty-first, one thousand eight hundred and sixty-three, is hereby extended to the twenty-first day of March, A. D. one thousand eight hundred and sixty-five.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. LXI.—*An Act to legalize the Assessment of Taxes in the County of Amador.*

[Approved February 6, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Taxes of 1863 and 1864 legalized.

SECTION 1. The assessment of taxes upon all property, both real and personal, in the County of Amador, whether for State, county, or other purposes, for the fiscal year ending on the first day of March, one thousand eight hundred and sixty-three, and for the fiscal year ending on the first day of March, one thousand eight hundred and sixty-four, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed, and no defect or informality in the levy or assessment, or failure to comply with previous Acts of the Legislature regulating assessments, shall constitute a defence to any action brought to enforce the payment of such taxes.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXII.—*An Act providing for the time of holding the County Court and Probate Court in Nevada County.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Court.

SECTION 1. There shall be held in the County of Nevada terms of the County Court commencing on the first Mondays of February, May, August, and November, of each year.

Probate Court.

SEC. 2. There shall be held in the County of Nevada terms of the Probate Court commencing on the first Monday of each month.

SEC. 3. This Act shall take effect and be in force from and after its passage, and all laws and parts of laws, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

CHAP. LXIII.—*An Act in relation to the Board of Education of the City of Sacramento.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any vacancy that may happen in the office of School Director, or of City Superintendent of Public Schools, in the City of Sacramento, from death, resignation, or a neglect, without satisfactory excuse, to attend the meetings of the Board of Education of said city for the space of three consecutive months, may be filled by the said Board of Education, at any regular or called meeting thereof, by the choice of some qualified elector of the district, if the office be that of School Director, or of the city, if that of Superintendent. The person so appointed shall hold his office until the first of January next ensuing, and until his successor shall have been elected and qualified; *provided*, that no such vacancy shall be deemed to exist until the same has been so declared by the vote of a majority of all the members of said Board, at a meeting specially convened for that purpose.

Board of Education to fill vacancies.

Term of office.

Special meeting necessary.

SEC. 2. The City Superintendent of Public Schools for the City of Sacramento is hereby declared and constituted ex officio a member of the Board of Education of said city, without the right to vote.

City Superintendent of Schools.

SEC. 3. All delinquent taxes which may hereafter be collected in the City of Sacramento, and which, if collected at the time the same were due, would have been paid into the School Fund of the said city, shall, notwithstanding any Act to the contrary, when collected, be paid into the School Fund of said city.

No law to prevent School moneys from reaching proper fund.

SEC. 4. This Act shall take effect immediately after its passage.

CHAP. LXIV.—*An Act to amend an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed April twentieth, one thousand eight hundred and sixty-three.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-eight of said Act is amended so as to read as follows:

Section 48. These Courts shall have jurisdiction, within their respective townships or cities, of the following actions and proceedings:

Jurisdiction

First—Of an action arising on contract, for the recovery of money only, if the sum claimed, exclusive of interest, is less than three hundred dollars.

Less than $300.

Second—Of an action for damages for injury to the person,

Injury to person or property. or for taking or detaining personal property, or for injury to real or personal property, if the damages claimed are less than three hundred dollars.

Fine, penalty, or forfeiture. *Third*—Of an action for a fine, penalty, or forfeiture, in a sum less than three hundred dollars, given by statute or the ordinance of an incorporated city or town.

Action on a bond. *Fourth*—Of an action on a bond or undertaking conditioned for the payment of money, in a sum less than three hundred dollars, though the penalty exceed three hundred dollars; the judgment to be given for the sum actually due. When the payments are to be made by instalments, an action may be brought for each instalment as it becomes due.

May be in instalments.

Foreclosure of mortgage. *Fifth*—Of an action for the foreclosure of any mortgage, or the enforcement of any lien on personal property, when the debt secured is less than three hundred dollars, exclusive of interest.

Possession of personal property. *Sixth*—Of an action to recover possession of personal property, when the value of such property is less than three hundred dollars.

Confession of judgment *Seventh*—To take and enter judgment on the confession of a defendant, when the amount confessed is less than three hundred dollars, exclusive of interest.

Right to a mining claim. *Eighth*—Of an action to determine the right to a mining claim, when the value of the claim is less than three hundred dollars, and for damages for injury to the same, when the damages claimed are less than three hundred dollars.

Vagrancy. *Ninth*—Of proceedings respecting vagrancy and disorderly persons.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXV.—*An Act to incorporate the Town of Santa Barbara.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Santa Barbara incorporated. SECTION 1. The inhabitants of Santa Barbara are hereby constituted a body corporate and politic, under the name and style of the "Town of Santa Barbara," and by that name and style they and their successors shall be known in law and have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty six, so far as the provisions of said Act do not conflict with this Act.

SEC. 2. The boundaries of said town shall be as follows: Commencing at the old Presa of the Mission of Santa Barbara

on Pedregoso Creek, and continuing on the line of said creek to its intersection with the Cart Road which leads to the Cieneguetas; thence in a direct line to the eastern corner of the Rancho de las Pozetas; thence to the seacoast or shore; thence following the beach to the Ortega Hill; thence in a northeasterly direction to the mountain range, including the Montecito, so called; thence following said range to the place of beginning; *provided*, that nothing in this Act shall be deemed to impair the rights of the "Pueblo de Santa Barbara" to other lands claimed by the said pueblo not contained within the above mentioned limits. Boundaries. Rights of pueblo to other lands not impaired.

SEC. 3. José M. Lonreyro, Charles Fernald, Joaquin Carrillo, W. A. Streeter, and Octareano Guturez, are hereby appointed Trustees of said town, who shall hold their offices for the term of two years, and until their successors shall be elected and qualified. They shall select one of their number to act as President of the Board of Trustees, who shall have and exercise all the powers and the functions of Town Recorder. Trustees. President and Recorder.

SEC. 4. They shall also select of their own number a Secretary and a Treasurer. The Treasurer shall act as Collector, and shall, before entering into the discharge of his duties, give a bond in the penal sum of one thousand dollars to said town for the faithful performance of his duties. The Treasurer and Collector shall be allowed five per cent on all moneys collected and received by him on account of the said town. The Secretary shall be allowed one dollar for every day that the said Trustees meet in session, and two dollars for every deed or conveyance authorized by the said Trustees to be drawn by him in which the said town may be a party. The President of the Board of Trustees, when acting as Town Recorder, may receive the fees allowed by the laws of this State to Justices of the Peace. Secretary and Treasurer. Collector. Percentage. President to have fees of Justices.

SEC. 5. The regular election for the Trustees of said town, with the functions hereinbefore specified, shall take place on the first Monday of March, A. D. eighteen hundred and sixty-six, and every two years thereafter. Election 1866

SEC. 6. The Trustees of said town shall have no power to borrow money nor to contract any debts or liabilities which shall in the aggregate exceed the sum of five hundred dollars, unless it shall first appear by the returns of the Treasurer that there is actually in the Treasury money not otherwise appropriated sufficient to meet and pay such liabilities. Limitation of power of Trustees.

SEC. 7. The Trustees of said town shall have power to appoint for such time as they may deem necessary an Attorney, Surveyor, and Marshal, and prescribe their respective duties and fix their compensation. Attorney, Surveyor, and Marshal.

SEC. 8. The Trustees of the said town shall have no power to impose any tax upon the real or personal property within the limits of said town. Trustees, no power to levy taxes.

SEC. 9. The corporation created by this Act shall succeed to all the rights, claims, and powers, of the Pueblo of Santa Barbara in regard to property, and shall be subjected to all the liabilities incurred and obligations created by the Ayuntamiento of said pueblo, or by the City of Santa Barbara. The corporation to succeed to rights and liabilities of Ayuntamiento.

SEC. 10. An Act entitled an Act to incorporate the City of

Santa Barbara, passed May eighteenth, eighteen hundred and sixty-one, is hereby repealed.

SEC. 11. This Act shall take effect from and after the first day of March, eighteen hundred and sixty-four.

CHAP. LXVI.—*An Act to authorize the County Assessor of Tulare County to complete the assessments thereof and file a Supplemental Tax List.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The County Assessor of Tulare County is hereby allowed until the first Monday in March, eighteen hundred and sixty-four, to complete the assessment of property for said county for the fiscal year ending on that day.

Supplemental assessment list made valid.

SEC. 2. The Assessor shall, on that day, file a supplemental assessment list of all property, real and personal, in said county, upon which no assessment was made for the current fiscal year, and all assessments made and returned to that date shall be as valid and binding, and the collection of taxes thereon enforced as though the same had been made under existing laws.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. LXVII.—*An Act in relation to the Probate Court in the City and County of San Francisco.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Term of Court monthly.

SECTION 1. There shall be in each year twelve terms of the Probate Court in the City and County of San Francisco, one of which terms shall commence on the first Monday of each month. Each term of said Court shall, either with or without intermediate adjournments, continue to the commencement of the next term.

Absence of Probate Judge to have effect of a continuance of proceedings.

SEC. 2. In case of the absence of the Probate Judge from the said Court upon any day upon which any petition, citation, notice, process, order, matter, or business whatsoever shall be made returnable to said Court, or may come on, or be set for hearing, examination, or determination therein, or be pending in said Court, no such petition, citation, notice, process, order, matter, or business, shall fail by reason of such absence, but the same, and the hearing, examination, or determination thereof, and all matter depending thereon or connected therewith, shall

be continued to the next Monday thereafter, at the hour of twelve of the clock, meridian, and in case of the further continuation of such absence, shall be continued from Monday to Monday, at the same hour, until the said Judge shall be present in said Court, at the time to which any such continuance shall be made. The Clerk of said Court shall make an entry in the minutes of said Court of every such absence, and such entry shall be conclusive evidence of the fact of such absence, and of every continuance provided for by this Act. The Clerk may also enter a special continuance in every case or matter for which a continuance is by this Act provided, but the general entry before referred to shall be sufficient for all cases.

Duty of Clerk.

SEC. 3. Any Deputy of the County Clerk of said city and county, no matter for what Court, duty, or business he may be particularly deputized or assigned, may act as his Deputy in the Probate Court.

Any Deputy of County Clerk may act.

SEC. 4. An Act entitled an Act in relation to the Probate Court in the City and County of San Francisco, approved May eighteenth, eighteen hundred and sixty-one, and all Acts and parts of Acts inconsistent with this Act, are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. LXVIII.—*An Act to amend an Act entitled an Act to amend Section Eighty of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, one thousand eight hundred and sixty-three.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighty of the Act of which said Act is amendatory is amended so as to read as follows:

Section 80. Every person who shall keep a stallion, jack, bull, or ram, and who shall permit the same to be used for the purpose of propagation for hire or profit, shall annually obtain a license therefor from the Tax Collector, and pay for the same as herein provided. The licenses in this section shall be divided into six classes, as follows: All animals whose services as above specified are charged at the sum of one hundred dollars or over shall constitute the first class; of eighty dollars and less than one hundred dollars, the second class; of sixty dollars and less than eighty dollars, the third class; of forty dollars and less than sixty dollars, the fourth class; of twenty dollars and less than forty dollars, the fifth class; and all under twenty dollars, the sixth class. The licenses for the first class shall be obtained by paying one hundred dollars; for the second class, eighty dollars; for the third class, sixty-five dollars; for the fourth class, forty-five dollars; for the fifth class, twenty-five dollars; and for the sixth class, fifteen dollars. The Tax Collector shall

Propagation license.

Licenses to be proportionate to the charge for services.

Tax Collector to receive licenses from Auditor.

Fees of Tax Collector and Auditor.

receive the blank licenses of the several classes provided for in this section from the Auditor; they shall be charged to him, and he shall account for them in the same manner as for other licenses. The Tax Collector shall be entitled to demand and receive as a fee the sum of one dollar for each of the above licenses sold, one half of which shall go to the Auditor, to be paid by the person applying for the same. All moneys collected under this section shall be paid into the County Treasury for county purposes.

SEC. 2. This Act shall take effect immediately.

CHAP. LXIX.—*An Act to transfer certain Funds.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contingent expenses of Senate and Assembly.

SECTION 1. The sum of three thousand dollars is hereby transferred from the Legislative Fund, and the same is hereby appropriated to pay the contingent expenses of the Assembly. The sum of two thousand dollars is hereby transferred from the Legislative Fund, and the same is hereby appropriated to pay the contingent expenses of the Senate.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. LXX.—*An Act to authorize the Board of Supervisors of Tulare County to allow the claim of Robert Glass.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Power conferred on Board to pay Robert Glass

SECTION 1. The Board of Supervisors of Tulare County is hereby authorized to allow and order paid out of the Current Expense Fund (the Auditor to audit and the Treasurer to pay) Robert Glass the sum of one hundred and fifty dollars, or so much thereof as the said Board may deem equitable and just, which said amount shall be in full for all damages sustained by said Robert Glass in the year eighteen hundred and sixty-three, by reason of defects in the county bridge over Cross Creek, in said county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXI.—*An Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the Militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of the Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby amended so as to read as follows: Section 16 amended.

Section 16. For the purpose of creating a State Military Fund, an annual poll tax of two dollars is hereby levied upon each male inhabitant of the State of the age of twenty-one years and upwards, (California Indians alone excepted,) to be known as the "Military Poll Tax," which shall be assessed and collected in the same manner and at the same time as is now or may be prescribed by law for the assessment and collection of State poll taxes. For the purpose of collecting said tax the officers hereby authorized to collect the same shall have all the powers which are now or may hereafter be conferred by law on the Collectors of State poll taxes, and any person who shall neglect or refuse to pay said military poll tax, or who shall forge or fraudulently issue any military poll tax receipt, or give a false name, or refuse to give his proper name, or having men in his employ, shall refuse to furnish the Poll Tax Collector or his Deputy, when requested, the name and residence of each man employed by him, or shall refuse to grant free access to the Collector or his Deputy to the building or place where such men are employed, shall be subject to all the pains and penalties imposed by law on persons who neglect or refuse to pay the State poll tax, or who forge or fraudulently issue any State poll tax receipt, or who give a false name, or refuse to give their proper names, to the officer collecting the same; *provided*, that volunteers serving in the army of the United States be and they are hereby exempted from the provisions of this Act. Levy of military poll tax. Refusal to pay. Penalty. Volunteers exempt.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXII.—*An Act to change the name of George Andrews Hatch to George Andrews Pavey, and confirm his adoption by William Henry Pavey.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for George Andrews Hatch, adopted son of William Henry Pavey, to be hereafter known as George Andrews Pavey, to which his name is hereby changed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXXIII.—*An Act to confer the powers of Commissioners of Deeds, for the time being, upon certain Officers of the Army of the United States.*

[Approved February 10, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certain officers in U. S. Army within certain States created Commissioners of deeds.

SECTION 1. During the existence of the present rebellion, officers in the army of the United States of a rank not less than that of Brigadier-General, shall [be] ex-officio, within the States of Arkansas, Virginia, and Kansas, and the Territories of Utah and New Mexico, and the States and Territories of the United States south of the before mentioned States and Territories, possess all the powers of Commissioners of Deeds of this State, the same as if they had been appointed as such Commissioners for the respective State or Territory within which they shall act as such. The official certificates of such ex officio Commissioners shall, in all cases, express the time and place at which the act certified to was performed, and the acts of said Commissioners certified by them shall have the same force and effect in law, to all intents and purposes, as if certified by any Commissioner authorized by law to act as such.

Continuance of authority.

SEC. 2. This Act shall take effect immediately, and the powers herein conferred shall cease to be exercised by such ex officio Commissioners after six months from the time when the said rebellion shall be declared suppressed by proclamation of the President, or by express Act of Congress, or by any other action of Congress to the same effect.

Seal not necessary.

SEC. 3. In all such acknowledgments, so taken as aforesaid, by said Commissioners, no seal shall be required, but the same shall be as valid as if an official seal was thereunto affixed.

CHAP. LXXIV.—*An Act to amend an Act entitled an Act concerning certified copies of certain Instruments in Writing, passed April twenty-ninth, A. D. one thousand eight hundred and fifty-seven.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. It shall be the duty of the County Recorder of each county in this State to provide a separate book, to be called "The Record of Patents," wherein shall be recorded all patents of land, or parcels of land, situate in their county, whether issued by the United States or the State of California, which may be offered for record duly executed as required by law. Patents to be recorded in separate book.

SEC. 2. Section three of said Act is hereby repealed.

SEC. 3. This Act shall be in force and take effect from and after its passage.

CHAP. LXXV.—*An Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The duties, powers, and jurisdiction which, by the provisions of the Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight, are enjoined upon or vested in the Court of Sessions of said city and county, are hereby conferred upon and vested in the County Court, except those mentioned in section twelve of said Act, which are enjoined upon and vested in the County Judge of said city and county. Industrial School. County Court. County Judge.

SEC. 2. The Board of Managers of the said Industrial School Department shall have power, in their discretion, to grant any children placed under their control and custody leave of absence from said School for such time as to said Board shall seem proper. Board of Managers.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXXVI.—*An Act to authorize Mining Companies or Corporations to change their principal Place of Business.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Consent of two thirds of stockholders necessary.

SECTION 1. Any mining company or corporation lawfully organized and incorporated for mining purposes within the State of California, may change its office or principal place of business by first obtaining the consent, in writing, of the stockholders representing two thirds of all the capital stock of the company; *provided*, that notice of such intended change, after such consent shall have been obtained, shall be inserted for thirty days in some newspaper published at or nearest the principal place of business of said mining company or corporation, designating the county or city and county to which it is intended to remove, before such removal shall be deemed lawful.

Proviso.

Publication.

Filing of certified copy with CountyClerk

SEC. 2. Any mining company or corporation availing itself of the privileges of this Act, upon filing in the office of the County Clerk of the county or city and county to which a removal is intended to be made a certified copy of its articles of incorporation, together with a certificate of the Trustees of the company or corporation, under the seal thereof, that the requirements of section one of this Act have been fulfilled, shall, from the time of such filing, be vested with all the powers in its new place of business which it might or could have exercised if originally incorporated in the county to which its office or principal place of business shall be removed.

Removal from State prohibited.

SEC. 3. This Act shall not be so construed as to authorize any mining company or corporation to remove its office or principal place of business out of the State.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. LXXVII.—*An Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. one thousand eight hundred and fifty-eight, approved March eighth, one thousand eight hundred and sixty.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. Any person who shall aid, assist, or encourage

any child to run away, who has been committed or surrendered, or who has been indentured by the Board of Managers, or shall harbor, or conceal, any such child, knowing of such commitment, surrender, or indenture, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding three hundred dollars, and imprisoned for a term not exceeding thirty days. And any child who may be absent on leave of absence, or who may be bound as an apprentice under this Act or the Act to which this is an amendment, and shall escape from the person under whose care he or she is placed, or to whom he or she is bound, shall be considered a fugitive from said School, and may be arrested and returned to said School by the Superintendent or other officer of said School, or by any Sheriff or Police Officer in this State, and the necessary expense of such arrest shall be allowed by the said Board of Managers of said Department; and the Auditor of said city and county shall audit the same, and such expense shall be paid from the General Fund by the Treasurer of said city and county.

Enticing child to run away.

Misdemeanor.

Punishment

Child absent without leave liable to arrest.

Payment for expenses of arrest.

SEC. 2. The Board of Managers of said School are hereby authorized and empowered, in addition to the amount heretofore allowed by the Act approved April sixth, eighteen hundred and sixty-three, to allow and order paid from the Treasury of the City and County of San Francisco, a sum not exceeding fifteen thousand dollars, for the erection and furnishing of an addition to the present Industrial School building; and the Auditor of said city and county is hereby directed to audit and the Treasurer to pay from the General Fund of said city and county the sum authorized to be paid by this Act.

Appropriation of money for additional building.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXXVIII.—*An Act supplementary to an Act entitled an Act concerning Roads and Highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of San Mateo shall have power to establish Road Districts in said county, to define the boundaries thereof, and to alter the same from time to time as they may deem it necessary. For each Road District a Road Master shall be appointed, to be paid for his labor and services out of the Road Fund such compensation as may be fixed by the Board of Supervisors, not exceeding three dollars and a half per day, while actually employed; and the whole expenditure for compensation of Road Masters in the county shall not exceed fifteen hundred dollars in any one year.

Road Districts.

Road Masters.

Payment.

SEC. 2. Each Supervisor shall have power to appoint Road Masters, as hereinafter mentioned, and to remove the appointee

Supervisors to appoint.

at pleasure. When a Road District falls wholly within a Supervisor District, the Supervisor of that district shall appoint the Road Master; where a Road District falls partly within two or more Supervisor Districts, the appointment of Road Master therefor shall be made by the Supervisor of one of the said districts, to be designated by order of the Board of Supervisors.

Duty of RoadMasters

SEC. 3. It shall be the duty of the Road Masters, and they shall have the power under the direction of the Supervisor by whom they shall have been appointed respectively, to keep the public highways within their districts clear of obstructions, and shall purchase such necessary materials and execute such work in the construction and repairs of public roads and highways as may have been ordered by the Board of Supervisors. For that purpose they shall be required to work on the road themselves, and may, under the direction of the Supervisors as aforesaid, employ such additional laborers as may be necessary and be authorized by the Board of Supervisors, at wages not exceeding two dollars per day; *provided*, there is sufficient money in the Road Fund to pay for the same; and any party liable to pay a road tax shall have the right and be allowed to pay the amount assessed against him in labor at the rate of two dollars per day as aforesaid, on the roads of his district, at such time and place as shall be designated by the Road Master, by a notice given in writing at least three days before the labor is required; but if the person liable for the tax shall fail to perform or furnish the labor when required as aforesaid, he shall be liable to pay the same in cash, and payment shall be enforced as provided in the next section.

Payment of laborers.

Proviso.

Commutation by labor.

Penalty for refusal to work or pay

SEC. 4. If any person liable to pay a road tax, under the provisions of the Act to which this is supplementary, shall refuse to pay the same, either in labor or cash, as aforesaid, after personal demand made in writing by the Road Tax Collector, such Road Tax Collector shall seize so much property belonging to such delinquent as shall be sufficient to pay the tax and costs, and shall sell the same at public auction to the highest bidder, for cash, after giving one hour's notice by public proclamation of the time and place of sale, and in default of bidders the sale may be postponed once or more by proclamation, not to exceed five days in all. Out of the proceeds of sale the Road Tax Collector shall retain the amount of tax due, with three dollars additional for his fees and costs of sale, returning the overplus, if any, to the delinquent. In other cases, the Road Tax Collector shall receive for his services such percentage on the amounts collected, not exceeding twenty per cent, as the Board of Supervisors may prescribe.

Duty of Road Tax Collector.

Postponement of sale.

Fees and costs of sale.

Payment of Road Tax Collector.

Each Supervisor to give bond for faithful expenditure of road money.

SEC. 5. The Board of Supervisors may, by order duly made and entered in their records, allow each Supervisor to receive from the Road Tax Collector, and retain in his custody for disbursement in payment for day labor on the roads, such amounts collected from road taxes in his district as the Board may deem necessary, not allowing a sum exceeding two hundred dollars to accumulate in such Supervisor's hands at once, and requiring from him a bond payable to the County of San Mateo in the sum of five hundred dollars, with sufficient sureties, to be approved by the County Auditor, conditioned for the faithful dis-

bursement of such moneys in payment for day labor as aforesaid, according to law and the regulations of the Board. The Road Tax Collector shall take the Supervisor's receipt in duplicate for the money paid over to him, one of which receipts said Collector shall pass over to the County Treasurer as cash, and the other shall be filed with the Auditor. Quarterly accounts shall be rendered and settled by such Supervisor of his receipts and disbursements, which accounts, after being submitted to and approved by the Board of Supervisors, and afterwards passed and allowed by the Auditor, shall be filed and preserved in the Auditor's office.

Duty of Road Tax Collector.

Quarterly settlements of Supervisors.

SEC. 6. If any person shall wilfully and maliciously destroy or injure any bridge, or remove or cause to be removed any of the planks or timbers therefrom, or cut down or injure any tree planted or growing as a shade tree in any public highway, unless authorized by the Board of Supervisors, he shall be liable to be prosecuted before any Justice of the Peace of the proper township by any Supervisor of the county, or the Road Master of the district in which the offence is committed, and on conviction thereof shall be fined in any sum not less than five and not exceeding one hundred dollars.

Injury to public property.

Shade trees.

Penalty on conviction.

SEC. 7. The Board of Supervisors shall have power to establish such general regulations, not contrary to law, as they may deem necessary for carrying into effect the provisions of this Act and the Act to which this is supplementary. Nothing contained in this Act shall be construed or have effect to repeal or modify the provisions of sections seven or eight of the Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four, but it is hereby declared that the powers which by this Act and the one to which this is supplementary are conferred upon the Board of Supervisors, Supervisors, and Road Masters, are subject to the limitations and restrictions of said sections seven and eight, and also subject to all other provisions, restrictions, and limitations, of said Act of February sixth, eighteen hundred and sixty-four, so far as consistent and applicable.

Power of Supervisors.

This Act not to be construed as repealing Act of Feb. 6, 1864.

SEC. 8. Sections sixteen, seventeen, eighteen, nineteen, and twenty, of the Act entitled an Act concerning roads and highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three, are hereby repealed.

Sections of Act of April 27, 1863, repealed.

SEC. 9. This Act shall take effect immediately after its passage.

CHAP. LXXIX.—*An Act amendatory of an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved February nineteenth, eighteen hundred and sixty-two.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an Act approved February nineteenth, eighteen hundred and sixty-two, entitled an Act supplementary to an Act to incorporate the City of Los Angeles, is amended so as to read as follows:

Mayor and Council to appoint Assessor.

Section 2. It shall not be necessary to fill the office of City Assessor for Los Angeles City by an election, but it shall be lawful for the Mayor of said city; with the approval of the Common Council, to appoint some suitable person to the position of City Assessor; and said person so appointed by the Mayor and approval by the Common Council, shall give bond for the faithful performance of the duties of his office, in such a sum as may be prescribed by the ordinances of said city, and the Common Council, with the approval of the Mayor, whenever they think the interest of the city demands it, may declare said office of City Assessor of Los Angeles City vacant, and thereafter when they think proper may appoint another suitable person, or the same person, to fill said position.

Assessor to give bond.

Removal and appointment.

SEC. 2. Section three of said Act is hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. LXXX.—*An Act to authorize the successors in office of James F. Kennedy, deceased, late Sheriff of Santa Clara County, to execute deeds in certain cases.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Successors in office to make deeds.

SECTION 1. The successors in office of James F. Kennedy, deceased, late Sheriff of Santa Clara County, are hereby severally authorized to execute, acknowledge, and deliver, to all persons entitled thereto, any and all such deeds or certificates of sale as said James F. Kennedy would have had to execute, acknowledge, and deliver, as Sheriff or ex-Sheriff, were he living.

SEC. 2. All deeds and certificates made, executed, and delivered under the provisions of this Act, shall have the same force and validity as if the same were executed by said James F. Kennedy.

SEC. 3. This Act shall take effect immediately.

CHAP. LXXXI.—*An Act to confer further powers upon the Common Council of the City of San José.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Common Council of the City of San José, in addition to the powers already conferred upon them by law, shall have full power and authority to provide by ordinance, from time to time, whenever the convenience of the public may require, for laying out, opening, extending, widening, straightening, or vacating, in whole or in part, any street or streets, square or squares, lane or lanes, alley or alleys, or for opening or constructing any water sewer, ditch, or drain, within the bounds of said city, which, in their opinion, the public welfare or convenience may require; to provide for the appropriation and use of any and all property that may be necessary for that purpose, and the mode thereof, and for ascertaining whether any, and what, amount in value of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvements within said city for which such owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing and levying, either generally on the whole assessable property within said city, or specially on the property of persons benefited, the whole or any part of the damages and expenses which they shall ascertain will be incurred in locating, opening, extending, widening, straightening, or vacating the whole or any part of any street, square, lane, or alley, or in opening or constructing any water sewer, ditch, or drain in said city; and to appoint and remove, and re-appoint, at pleasure, Commissioners, not less than three nor more than five in number, to ascertain and determine, and assess the cost and damage which will be caused or the benefit which will accrue to the respective owners or possessors of land that may be appropriated as aforesaid, and the improvements thereon, for locating, opening, extending, widening, straightening, or vacating, as the case may be, in whole or in part, any street, square, lane, or alley, or for opening or constructing any water sewer, ditch, or drain in said city, and to fix and determine the compensation of said Commissioners. The decision of a majority of said Commissioners shall be and shall be taken as the decision of all in every case; and said Commissioners shall make and complete said assessments in writing, and certify the same to said Common Council within twenty days from the expiration of such notice as the Common Council may direct to be given, unless further time be granted them by said Common Council, and in such case, within the extended time so granted.

Additional powers on Common Council.

Use of property.

Assessment of damages.

Appointing Commissioners.

Powers of Commissioners.

SEC. 2. Said Common Council shall and shall have power to provide for appeals to the County Court of the County of Santa Clara, by any owner or possessor as aforesaid, from the decisions

Appeals to CountyCourt

of said Commissioners as ratified by the said Common Council; and every such owner or possessor, as hereinafter provided, shall be entitled to appeal as aforesaid, and upon such appeal and upon demand shall be entitled to jury trial in said Court, which said demand shall be in writing, and shall be served upon the Mayor of said city aforesaid at least five days before the hearing. If such demand be not made, said appeal shall be heard and decided by the Judge of the Court in which the appeal is pending as aforesaid. And the verdict of the jury, or the decision of the Judge as aforesaid, shall in every case be final and conclusive, and judgment shall be accordingly entered thereon, as in other cases decided in said Court; and said judgment shall be a lien upon the property so assessed, and the Clerk of said Court shall issue execution thereupon whenever the same may be demanded by said Common Council. The costs upon appeal and judgment as aforesaid to be determined by the laws governing costs in actions at law. And said Common Council shall have the further power to provide for collecting and paying over the amount of contribution or compensation, as the case may be, finally adjudged as aforesaid, and to enact and pass all orders or ordinances, from time to time, which shall be deemed necessary or proper to exercise the powers and effect the objects above specified; *provided*, nevertheless, that before the Common Council of the said city proceed to execute any of the powers vested in them by this Act, at least twenty days notice of their intention to do so shall be given by advertisement in one or more newspapers published in the said City of San José.

Jury trial.

Notice by advertisement.

Expenses and pay of Commissioners.

SEC. 3. All the expenses, including the compensation of said Commissioners, resulting from locating, opening, extending, widening, straightening, or vacating, in whole or in part, any street, square, lane, or alley, or in opening or constructing any water sewer, ditch, or drain, in said city, shall be paid out of the moneys derived from the assessments that may be made as aforesaid to pay for such locating, opening, extending, widening, straightening, or vacating, in whole or in part, of any street, square, lane, or alley, or other work, as aforesaid; *provided*, in no event shall the City of San José be liable for any expense caused by the same, except such fair proportional share as may be assessed as aforesaid to said city as the owner of land and improvements affected by such work as aforesaid.

Assessments to be advertised.

SEC. 4. When assessments of damages or awards of compensation shall be made for any work contemplated under the provisions of this Act by the Commissioners, as aforesaid, and the same shall be certified by them to the Common Council of the City of San José, said Common Council shall cause the same to be published for at least ten days in some newspaper published in said city, with the additional notice that at such time thereafter as they may determine they will sit as a Board of Equalization, to hear the complaint of any person feeling himself aggrieved by any of the acts or determinations of the said Commissioners; and the said Common Council may correct, alter, or modify said assessment in such manner as to them may seem just. All the decisions and determinations of said Common Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all owners of property so assessed who shall

Board of Equalization

Decision to be final.

fail to make their grievances known to said Board of Equalization; *provided*, said owners are residents of said city at the time of the publication of the notice herein directed. The assessments made and finally corrected shall constitute a lien upon the property so assessed, and the Common Council shall have the same power to collect the same as they have to collect other taxes upon the property of the city.

Additional powers on Common Council.

SEC. 5. The Common Council of the City of San José shall have power to pass any ordinance necessary to carry into effect the provisions of this Act, and to provide for any work herein contemplated in such manner as they may determine shall be for the best interest of the city. And for the purpose of more intelligibly exercising the powers and duties conferred by this Act, the said Common Council shall have full power to make and establish an initial point of survey for said city, which point, when so established, shall be at the intersection of Market street and San Fernando street of said city. They shall also have the power to make an official survey and map of said city, and adopt the same as the official map thereof. They may also provide, by ordinance, the manner in which any surveys of land additional thereto may be made.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXII.—*An Act to authorize the Board of Supervisors of El Dorado County to sell certain Property.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Providing for sale of certain lot.

SECTION 1. The Board of Supervisors of El Dorado County are hereby authorized to sell at public or private sale, upon such terms, and in such manner, and in such parcels as to them may seem best, and to convey the same by good and sufficient deed, the title and interest of El Dorado County in and to that certain lot, known as the County Lot, situated on the south side of Main street, Placerville, and opposite the Court-house.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXXXIII.—*An Act to legalize certain Records in the office of the Recorder of Placer County.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legalizing certain instruments of writing.

SECTION 1. Whereas, during the period of two years, commencing on the first Monday of December, A. D. one thousand eight hundred and sixty, the certificates of filing and of record of certain instruments in writing, which by law are authorized or required to be filed for record and to be recorded, and the certificates of the filing of copies of certain notices, writs of attachments, and executions, certificates of sale, and transcripts of judgments and records, which by law are authorized or required to be filed in the Recorder's office of this State, and which have been filed, or filed and recorded, in the office of the Recorder of Placer County during said period, are defective by reason of the said certificates being not signed by the Recorder of said county, or by his lawful Deputy; therefore, all of the said certificates of said filings and of records, and of said certificates of filings only, whether the same be made of record in said office or indorsed on said instruments in writing, filed and recorded as aforesaid, or upon said other copies and transcripts filed only, are hereby legalized and made effective from and after the passage of this Act, for all the legal purposes for which said filings were made, as if the said certificates had been duly signed by said Recorder as required by law.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXIV.—*An Act to change the Name of James Kinsman.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changing name.

SECTION 1. It shall be lawful for the person heretofore known and bearing the name of James Kinsman to change the said name to John P. Lowell.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXV.—*An Act to amend an Act entitled an Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty, and Acts amendatory and supplementary thereto.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. Every conveyance in writing, whereby any real estate is conveyed or may be affected, (except as provided in sections twenty-five and twenty-six of this Act,) be acknowledged or proved and certified in the manner hereinafter provided.

SEC. 2. Section eighteen of said Act is hereby amended so as to read as follows:

Section 18. A certificate of the acknowledgment of any conveyances, or of the proof of the execution thereof, as provided in this Act, signed by the officer taking the same, and under the seal of the officer, shall entitle such conveyance, with the certificate or certificates as aforesaid, to be recorded in the office of the Recorder of any county in this State, and in like manner all conveyances of land within this State, made by the State of California, or by the Government of the United States, by patent duly executed and verified as required by law, shall be entitled to record as aforesaid, and the records of all patents in the Recorder's office of the State heretofore made, shall be as valid and effectual as though made under the provisions of this Act. Certificates of conveyance.

SEC. 3. Section twenty-five of said Act is hereby amended so as to read as follows:

Section 25. Every such conveyance or instrument of writing, acknowledged or proved and certified and recorded in the manner prescribed by this Act, and every patent to lands within this State, duly executed and verified according to law, and recorded as provided for in this Act, shall, from the time of filing the same with the Recorder for record, impart notice to all persons of the contents thereof, and subsequent purchasers, mortgagees, and lien holders shall be deemed to purchase and take with notice. Record to serve as legal notice.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXVI.—*An Act to fix the salary of the Superintendent of Common Schools of Placer County.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of Superintendent.

SECTION 1. The County Superintendent of Common Schools of Placer County shall receive for his official services a salary of eighteen hundred dollars per annum, which sum shall be allowed by the Board of Supervisors of said county, and shall be audited and paid in the same manner as other county salaries and expenses are audited and paid; *provided*, said Superintendent shall reside and have his office at the county seat of said county, otherwise he shall receive only such compensation as shall be determined by the Board of Supervisors; *provided*, such compensation shall not exceed the sum of twelve hundred dollars per annum.

Residence.

SEC. 2. All Acts and parts of Acts so far as they are in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the first Monday of March, A. D. one thousand [eight hundred] and sixty-four.

CHAP. LXXXVII.—*An Act to provide for the Collection of Delinquent Taxes in the County of Sierra.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commission of District Attorney.

SECTION 1. The District Attorney of the County of Sierra shall be entitled to a commission of fifteen per cent on all taxes collected by him, to be paid by the person or property owing such taxes, whether collected before or after suit brought under the Revenue Laws of the State of California; and it shall be his duty, at least twenty days before bringing suit for taxes, to notify, through the Express or Post Office, each delinquent tax payer of the gross amount of his taxes and the percentage, and for which notice the District Attorney shall be entitled to a fee of fifty cents, to be paid only by the person or property owing such taxes.

Duty.

SEC. 2. So much of section forty-six and of all other sections and parts of sections of the Revenue Act as conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXVIII.—*An Act to authorize the Board of Supervisors of the County of Sacramento to Fund certain Claims.*

[Approved February 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Sacramento are hereby authorized and required to fund, at such time as the same may be presented for such purpose, all legal outstanding bonds and claims against the County of Sacramento which should have been received and funded prior to the first day of June, A. D. one thousand eight hundred and fifty-nine, under the provisions of an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, one thousand eight hundred and fifty-eight, and which were not received and funded under the provisions of said Act. Board of Supervisors to fund certain claims.

SEC. 2. It is hereby provided that the aforesaid bonds shall be issued in accordance with the provisions of the Act, approved April twenty-fourth, one thousand eight hundred and fifty-eight, and be ante-dated as of January first, A. D. one thousand eight hundred and fifty-nine, with interest coupons attached thereto, drawing interest at the rate of six per cent per annum from the said first day of January, A. D. one thousand eight hundred and fifty-nine; *provided*, that said bonds shall be issued in the same manner and made payable, together with the interest thereon, at the same time and place and out of the same Fund as the bonds issued under said Act prior to the first day of June, A. D. one thousand eight hundred and fifty-nine. In accordance with Act of 1856. Proviso.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXIX.—*An Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected at the next election held in the County of San Bernardino for the election of a member of the Board of Supervisors for said county three Water Commissioners, who shall hold their office for the term of one year, and until their successors are qualified; and at the next general election, and every two years thereafter, there shall be elected the same number of such Commissioners, who shall hold office for Board of Water Commissioners.

the term of two years, and until their successors are elected and qualified. Said Board shall have the power and perform the duties hereinafter provided. Until the Board of Commissioners first provided in this section are elected and qualified, the present Board of Water Commissioners of said county shall be continued in office, and shall exercise the duties prescribed by this Act, and be governed by its provisions. In case of vacancy, by death or otherwise, in said Board, the same shall be filled by appointment by the Board of Supervisors of said county.

Vacancies.

SEC. 2. The duties of the above Commissioners shall be:

Overseers to be appointed

First—They shall appoint as many Overseers as they may deem necessary for the proper regulation of the water courses and ditches in said county, and shall have power to revoke the same at pleasure.

Petition of claim owners

Second—Upon a petition of a majority of those interested, or who own legitimate claims on any ditch, they shall lay out any ditch or ditches and apportion the water thereof among the persons using the same in proportion to the amount of land each person may wish to irrigate; *provided*, there should be water sufficient in said ditch for the irrigation of all said land; but in case there should not be a sufficient amount of water for said irrigation in any such ditch, upon a petition of a majority of those holding such interests, as aforesaid, the Water Commissioners shall immediately reapportion, without prejudice to any prior occupation, the water thereof; and any person who shall have put in for more land to irrigate than his proportion, according to the pro rata of water in the ditch or stream from which he is furnished with water, a reapportionment shall immediately be made as provided in this section.

Returns of Overseers.

Third—Upon the receipt of the returns of the Overseers, of the number of acres to be irrigated and the amount of water in said ditch to be used for irrigating purposes, and the probable number of days' work required to be done on any ditch in that season, they shall apportion the work thereof among the persons required to perform the same.

Apportionment of water.

Fourth—[They] shall, as soon as they have apportioned the water, make a schedule stating the hours that each person shall be entitled to use the water, commencing at the head of each ditch; also, opposite the name of each person, the number of days' work he shall be required to perform.

Record.

Fifth—[They] shall keep a book in which they shall record in full all the official acts of said Board, which book shall be furnished by the Board of Supervisors, at the expense of the county, and shall be transferred to their successors in office.

Duty of Overseers.

SEC. 3. It shall be the duty of the Overseers to execute the orders of the Commissioners; to attend to and see that the water is used as apportioned by the Commissioners; to superintend the work ordered by them; to see that the water is kept clear of all filth and obstructions of every description, and that the ditches are kept in good repair.

Ditches to be kept in repair.

SEC. 4. Said Overseers shall, on or before the first day of February in each year, examine the ditches their entire length and make an estimate of the number of days' work required to put such ditch in good repair, and of sufficient capacity to hold and carry all the water that may be required to pass through

them, and report the same to the Commissioners, together with the amount of land to be irrigated and the amount of water in each ditch.

Account of work done.

SEC. 5. Said Overseers shall keep a correct account of all work done, and by whom, on such ditches; and any person who shall fail to perform their proportion of labor, after having received two days notice, he shall be considered delinquent, and shall pay the sum of ten dollars for each and every day delinquent, which shall be recoverable at the suit of the Overseer, with costs of suit, before any Court of competent jurisdiction in the county or township, to be by him applied to the repair of the ditch upon which said work is due; *provided*, that when any ditch shall break so as to cause a loss of water, or an improper diversion thereof, those interested shall respond immediately to the call of the Overseer for the repair of the same.

Delinquents.

Additional work on ditches.

SEC. 6. Should the estimated number of days' work be insufficient to keep said ditches in repair during the season, the Overseer shall call upon every person, without previous notice, who are interested, to perform labor in proportion to the amount of land irrigated by him, sufficient to complete the work of repairing said ditches.

Hours to constitute day's work.

SEC. 7. Eight hours shall constitute a day's work; a team of two horses shall be equal to one day's work; a plough, wagon, or scraper, shall, when used, be equal to one half day's work. When those from whom labor is due are called upon by the Overseer they shall furnish, at the beginning of the work, a force in accordance with the provisions of this section in proportion to the amount of labor due from them.

When Commissioners fail to agree.

SEC. 8. In case any water course should run through two or more townships, and the Commissioners should not be able to agree as to the amount of water to be used by each township, the County Judge, upon the application of the Commissioners, shall determine the amount of water due each township.

Pay of Commissioners and Overseers.

SEC. 9. The Commissioners and Overseers shall be allowed two dollars per day for each day actually engaged in the discharge of the duties required by this Act; and for the payment of the same the Commissioners are hereby authorized to levy a tax within the county, upon those persons benefited, in proportion to the amount of water used by each, which tax shall be collected by the Overseers, and paid over to the Commissioners, who shall disburse the same as required by this section.

SEC. 10. When water rises upon land owned by any person, it shall not be subject to the provisions of this Act, but in all cases after it has passed beyond the limits of said lands, it may be used as provided in this Act.

SEC. 11. In all cases the Commissioners shall have the right of way to cut ditches and water courses through their county.

Breaking of ditches.

SEC. 12. In case any person shall be damaged by the breaking of any ditch, the parties using such ditch shall be liable for damages.

Diverting waters.

SEC. 13. No person or persons shall direct the water of any river, creek, or stream from its natural channel, to the detriment of any person or persons using said water below, from

any such river, creek, or stream. Any person who may settle, or who may have settled, on any such water courses as aforesaid, when the water has all been used for irrigation by any prior occupant to his or her detriment on any such stream, shall be guilty of a misdemeanor, and shall be subject to the provisions of section sixteen of this Act.

Conducting water across lands of another.

SEC. 14. Any person who, under this Act, shall conduct water by ditch, or otherwise, across the lands of another, such compensation as may be agreed upon by the parties concerned shall be paid to the owner of such lands, and in case the parties cannot agree, each party shall choose one Arbitrator, and the two so chosen shall choose a third; the Arbitrators shall assess, under oath, the amount of damages thus sustained, and their decision shall be final in the premises.

Twin Creeks incorporated

SEC. 15. The streams at the foot of the mountains north of the City of San Bernardino, known as Twin Creeks, are hereby incorporated and secured for the sole benefit and exclusive use of said city, subject to the provisions of this Act.

Misdemeanor.

SEC. 16. Any person using the water from any of the ditches in the county, when it is not his right to do so, to the detriment of others, and any person obstructing the water of any of said ditches, either by dams or otherwise, or who shall throw or cause to be thrown therein any filth of any description, or permit to run therein any hogs, ducks, or geese, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty or less than twenty-five dollars for the first offence, and not less than fifty or more than one hundred dollars for every subsequent offence, and imprisonment in the County Jail not more than twenty-five nor less than ten days, or by both such fine and imprisonment All moneys recovered as fines under the provisions of this section shall be applied by the Commissioners for the payment of Overseers' salaries, or repairing said ditches; those violating the provisions of this section shall be prosecuted before any Court of competent jurisdiction in the county or township, upon the complaint of any person damaged by such violation; *provided*, the provisions of this section shall not apply to the running in said water courses any ducks, geese, or hogs, except on those ditches or water courses from which water is used for drinking or family use.

Penalties.

For family use.

SEC. 17. There shall be kept running, at all times, in those water courses or ditches from which water is used for drinking or family use, a sufficient quantity to supply said demand.

Repealing clause.

SEC. 18. An Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved March sixth, eighteen hundred and fifty-seven, and also, an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and define their duties, approved March sixth, eighteen hundred and fifty-seven, approved April twelfth, eighteen hundred and fifty-nine, are hereby repealed.

SEC. 19. This Act shall take effect and be in force in thirty days after its passage.

CHAP. XC.—*An Act changing the time for holding the County and Probate Courts in the County of Amador.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regular terms of the County Court and Probate Court in and for the County of Amador shall be held at Jackson, the county seat of Amador County, commencing on the first Monday of January, April, July, and October, in each year, and shall continue until the business is disposed of. Terms of Courts.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XCI.—*An Act supplementary to the Act entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty-three.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No action for the recovery of property in mining claims, or for the recovery of the possession thereof, shall be maintained unless it appears that the Plaintiff, his ancestor, predecessor, or grantor, was seized or possessed of the premises in question within two years before the commencement of this action. Suit for recovery of mining claims.

SEC. 2. No cause of action or defence to an action founded upon the title to property in mining claims, or to the rents or profits out of the same, shall be effectual unless it appear that the person prosecuting the action or making the defence, or under whose title the action is prosecuted or the defence is made, or the ancestor, predecessor, or grantor of such person, was seized or possessed of the premises in question within two years before the commencement of the Act in respect to which such action is prosecuted or defence made. Cause of action.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XCII.—*An Act to exempt from Forced Sale certain Property.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Property exempt from execution.

SECTION 1. In addition to the property now exempted by law from sale or levy on execution, there shall be exempted one sewing machine, of a value not exceeding one hundred dollars, in actual use by each debtor or the family of the debtor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

SEC. 3. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAP. XCIII.—*An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-six of said Act is hereby amended so as to read as follows:

Collection of poll taxes.

Section 66. To enforce the collection of poll taxes, as provided in this Act, the Tax Collector in person, or by his Deputy, may seize so much of any and every species of personal property whatever, claimed by any person liable to and refusing or neglecting to pay his poll tax, or property in the possession of or due from any other person, and belonging to such person so refusing to pay such poll tax, and costs of seizure, which costs shall not exceed three dollars, and shall and may sell the same at any time or place upon giving a verbal notice one hour previous to such sale; and any person indebted to another liable to pay poll tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Tax Collector of a notice in writing, stating the name or names of the person or persons so liable and owing poll tax, and such debtor may deduct the amount thereof, with the costs of serving said notice, which shall be one dollar (and for which he shall be equally responsible) from such indebtedness.

Notice.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XCIV.—*An Act to provide for the support of the Fire Department of the City of Sacramento.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of the City of Sacramento shall within ten days after the passage of this Act, and thereafter annually, on or before the time fixed by law for levying the annual taxes for said city, make an estimate from the best information they can obtain, of the amount of money that will be required during the ensuing fiscal year for the payment of the salaries of the officers of the Fire Department, and the monthly appropriations to the several fire companies, as now provided for in sections seventy-two and seventy-four of an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, and also the amount required for building and repairing engine houses and cisterns, purchasing and repairing engines, hose, and all other apparatus appertaining to the Fire Department, together with all other expenses properly belonging to said department, and they shall at the same time and in the same manner that other city taxes are levied, levy a tax on all taxable property in the city, sufficient in their judgment to produce the amount thus estimated; *provided*, the same does not exceed thirty cents on the one hundred dollars.

Board of Trustees to estimate expense of fire Department.

Shall levy tax.

SEC. 2. Said tax when collected shall be paid into a Fund to be known as the Fire Department Fund, and shall be used only for the purposes enumerated in section one of this Act, and when the tax lists for the year eighteen hundred and sixty-four shall be placed in the hands of the City Collector for collection, then the seven per cent of city revenue now authorized by law to be paid into the Fire Department Fund shall cease to be so paid, but shall be paid into the General Fund of the city.

Fire Department Fund.

CHAP. XCV.—*An Act to reduce the penalty of the official bond of the Sheriff of Yuba County.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The penalty of the official bond of the Sheriff of Yuba County is hereby reduced to twenty-five thousand dollars; *provided*, that if property in any suit brought or about to be brought shall or be likely to come into his hands to an amount equal to eighty per cent of his bonds, the Court, upon application of parties interested, may require him to file an additional bond, in its discretion.

Penalty of official bond reduced.

SEC. 2. This Act shall take effect from and after its passage.
SEC. 3. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAP. XCVI.—*An Act for the Relief of Wm. B. Latham, Jr.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Money appropriated

SECTION 1. The sum of thirty dollars is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay Wm. B. Latham, Jr., for services rendered in examination of the record title of State Reform School grounds, and furnishing abstract of same to the Legislatures of eighteen hundred and sixty-one and two, in accordance with a resolution of said Legislature, and the Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of said Wm. B. Latham, Jr., for said sum of thirty dollars.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XCVII.—*An Act to fix the time of holding the County Court and Probate Court in the County of Marin.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of Courts.

SECTION 1. The terms of the County Court and the Probate Court in and for the County of Marin, shall be held at the county seat of said county, and shall commence on the first Monday of February, April, June, August, October, and December of each year.

SEC. 2. All Acts or parts of Acts contrary to or inconsistent with the provisions of this Act, so far as they relate to the terms of the County Court and Probate Court of the County of Marin, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XCVIII.—*An Act repealing an Act entitled an Act concerning the Office of County Clerk in the County of Yolo, approved April fourteenth, eighteen hundred and sixty-three, and restoring former Act.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Act entitled an Act concerning the office of County Clerk in the County of Yolo, approved April fourteenth, eighteen hundred and sixty-three, is hereby repealed. Compensation of County Clerk

SEC. 2. Be it further enacted, that all Acts and parts of Acts fixing the compensation of the County Clerk of Yolo County, that were in force at the time of the passage of the aforesaid Act, are hereby revived, and declared to be in full force and effect.

SEC. 3. This Act shall take effect and be in force from and after the first day of March, eighteen hundred and sixty-four.

CHAP. XCIX.—*An Act for Assessing and Collecting Taxes in Alameda County.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Assessor of the County of Alameda is hereby authorized and directed to assess all persons and property liable to be assessed in said county remaining unassessed for the period which commenced on the first Monday of March, and terminated on the first Monday of November, one thousand eight hundred and sixty-three, and to cause the same to be entered on an assessment roll prepared for that purpose, to be called the "Special Subsequent Assessment Roll" of Alameda County, which shall conform to the requirements of the general laws of this State relating to assessment rolls, not modified by the requirements of this Act. Said roll shall be completed at the time, and certified, and returned in the manner required by law in relation to the general tax assessment roll of the year one thousand eight hundred and sixty-four, and shall be treated in all respects as to equalization and collection as the taxes of that year; and the taxes assessed by virtue of this Act shall constitute a lien on the property assessed from the time of the assessment of the taxes by the Supervisors of said county for the year one thousand eight hundred and sixty-four, in like manner as if the same had been assessed under the general laws of this State; and all officers employed in its assessment, collection, or disbursement, shall be entitled to the same compensation allowed by law for like services, and shall be liable on their official bonds for the

Duty of County Assessor.

Taxes assessed to constitute a lien.

faithful performance of their duties in relation thereto in like manner as if the same had been assessed under the general laws of this State; *provided*, the Assessor of said county shall not be entitled to any additional fees for services performed under this Act.

Apportionment of taxes

SEC. 2. The taxes against the persons and property which shall be entered upon said roll, pursuant to this Act, shall be apportioned and regulated by the levy and assessment for State, county, and special purposes made in said county, under and by virtue of which the taxes of the year one thousand eight hundred and sixty-three were assessed, so as to conform to the other taxes of that year in said county. And all taxes delinquent and unpaid upon said special subsequent assessment roll shall be collected, and such proceedings shall be had touching the collection of the same as are provided by an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and the Acts supplementary thereto and amendatory thereof.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as they relate to the County of Alameda, are hereby repealed.

SEC. 4. This Act shall be in force from and after its approval by the Governor.

CHAP. C.—*An Act to fix the Compensation of the Assessor of Santa Cruz County.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Compensation of County Assessor.

SECTION 1. The Assessor and his Deputies shall keep a correct account of the number of days he or they have been employed in the discharge of their official duties, and shall verify the same on oath before the Clerk of the Board of Supervisors, or other person qualified to administer oaths, and then shall present said account to the Board of Supervisors, who, if satisfied of the correctness of the same, shall allow it, and order payment at the rate of six dollars per day to be made.

SEC. 2. This Act shall take effect and be in force from and after the first Monday of March, one thousand eight hundred and sixty-six.

CHAP. CI.—*An Act to submit the question of the Removal of the County Seat of Lake County to the qualified Voters thereof.*

[Approved February 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On the twentieth day of April, A. D. eighteen hundred and sixty-four, an election shall be held in the County of Lake, to locate and establish the county seat of said county, and to determine whether the said county seat shall be and remain at Lakeport, or be removed to such point in said county as shall have received the largest number of votes at said election. The ballots used at said election shall be written or printed, and shall read thus: "For County Seat—Lakeport." "For County Seat—Kelsey Creek." "For County Seat—Grantville," (said Grantville has been commonly known as Lower Lake). The polls for said election shall be opened in the several precincts of said county at the places at which the last general election was held, and the County Clerk of said county shall cause notice of said election to be posted up in at least three of the most public places in each Election Precinct in said county at least twenty days before said election, stating the time and place of holding said election and the form of the ballot to be used. The Inspectors and Judges of the several Election Precincts of said county, appointed for the special judicial election of October twenty-first, A. D. eighteen hundred and sixty-three, are hereby authorized and directed to act as such at the special election herein provided for; but in case such Inspectors and Judges be not present, or refuse or neglect to serve, the electors of the several precincts present on the morning of the election shall select from their number such Inspector and Judges, and they shall conduct said election and count and make return of all the votes cast in accordance with the provisions of an Act entitled an Act to regulate elections.

Election for locating county seat.

Notice of election.

Inspectors and Judges.

SEC. 2. The Board of Supervisors of said county at their regular meeting, to commence on the first Monday of May next, shall canvass the votes cast at said election, and shall cause the same to be entered upon their record, and shall declare the place having the largest number of votes cast for county seat the county seat of Lake County, and shall cause the same to be certified and forwarded to the Secretary of State.

Result of election.

SEC. 3. If it shall appear from the returns of said election that Kelsey Creek or Grantville has received the largest number of votes cast for county seat, then from and after the fifteenth day of August, A. D. eighteen hundred and sixty-four, the place having received the largest number of votes cast shall be and remain the county seat of Lake County, and the Board of Supervisors shall make the necessary provisions for the removal of all books, papers, furniture, and other movable property of said county to such county seat, and secure suitable buildings and offices in which to transact the business of said

Providing for removal.

county, and after that date all officers required by law to reside at the county seat shall reside and keep their offices at such new county seat, and all processes which may at the time of such removal be returnable at Lakeport, shall be returnable at such new county seat; but if it shall appear from said returns that Lakeport has received the largest number of votes cast, then Lakeport shall be and remain the county seat of said county.

SEC. 4. No person shall receive any compensation from the county for services rendered in connection with said election.

Providing for removal or sale of buildings.

SEC. 5. The Board of Supervisors of said county, in case any other than Lakeport shall be declared the county seat, in pursuance of this Act, shall be and are hereby authorized to remove to such new county seat the public buildings of said county, or, in their discretion, to sell the same and cause new ones to be erected at the proper place.

Of neglect or refusal to comply with this Act.

SEC. 6. If any officer of said county shall wilfully neglect or refuse to perform the duties, or any of them, required by this Act, he shall be deemed guilty of misdemeanor, and may be removed from office.

SEC. 7. All Acts or parts of Acts in conflict with this Act are hereby repealed so far only as they may conflict with this Act.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CII.—*An Act to amend an Act entitled an Act concerning Estrays and Animals found running at large in the County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three.*

[Approved February 20, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Concerning estrays.

Section 1. Any person finding at any time an estray horse, mare, mule, jack, jenny, or any estray cattle, sheep, hogs, or goats, or any number of such animals upon his farm, or other inclosed premises, or any person finding any or all of said animals running at large, whether the owners of such animals are known or unknown, may take the same up and proceed therewith as hereinafter directed; and no person shall remove such animals from the possession of the taker up, or from the possession of the officer into whose hands they may be placed for the purposes of sale, except as hereinafter provided.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CIII.—*An Act to exempt Active and Exempt Firemen from Jury Duty in the City of Sacramento.*

[Approved February 20, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the persons exempted by any other law from jury duty, each active certificate member of the Fire Department of the City of Sacramento, and each person who is an exempt member of said Department by reason of five years active service, shall be exempt from liability to act as a Grand or Trial Juror, and shall not be selected or act as such if he objects, and proves to the satisfaction of the Court that he is entitled to exemption under this Act. Firemen exempt from jury duty.

SEC. 2. This Act shall take effect immediately.

CHAP. CIV.—*An Act to repeal an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, and to indemnify citizens of this State for the losses sustained by Indian Depredations, passed April twenty-seventh, eighteen hundred and sixty-three.*

[Approved February 20, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of this State, and to indemnify citizens of this State for losses sustained by Indian depredations, passed April twenty-seventh, eighteen hundred and sixty-three, is hereby repealed. In relation to issuance of bonds.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CV.—*An Act to appropriate Money to pay the Claim of H. B. Chambers.*

[Approved February 20, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three hundred and sixty-six dollars and sixty-six cents is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of H. B. Chambers for services ren- Appropriating money

dered in the office of the Adjutant-General of the State of California, and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer in favor of said H. B. Chambers for the sum above appropriated, and the Treasurer is authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CVI.—*An Act to appropriate Money to pay the Claim of A. Blossom.*

[Approved February 20, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriating money

SECTION 1. The sum of twenty dollars ($20) is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of A. Blossom for transportation of three cases of arms from Murphy's, Calaveras County, to Sacramento City, September twenty-third, eighteen hundred and sixty-one.

SEC. 2. This Act shall take effect from and after its passage, and the sum hereby appropriated shall not be subject to the provisions of an Act entitled an Act to create a Board of Examiners, etc., approved April twenty-first, eighteen hundred and fifty-eight.

CHAP. CVII.—*An Act relating to Powers of Attorney.*

[Approved February 20, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Powers of Attorney entitled to record.

SECTION 1. Powers of Attorney affecting or relating to personal property, or conferring authority upon the Attorney therein named, duly acknowledged, or proved, and certified, as is provided in the case of conveyances of real estate, shall be entitled to record in the various Recorders' offices in this State.

Transcript of record to issue.

SEC. 2. When any such power of Attorney is acknowledged, or proved, certified, and recorded, and it shall be shown to the Court that such power of Attorney is lost or destroyed, or not within the power of the party wishing to use the same, the record thereof, or the transcript of such record, certified by the Recorder under the seal of his office, may be read in evidence without further proof, and with the same force and effect as the original, if produced.

CHAP. CVIII.—*An Act concerning the Official Bonds of the County Clerk, Sheriff, Recorder, Auditor, and Assessor of the County of San Luis Obispo.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act, the amount of the official bonds of the County Clerk, Sheriff, Recorder, Auditor, and Assessor of the County of San Luis Obispo shall be fixed by the Board of Supervisors at an amount not less than half nor more than that which those officers have heretofore been required by law to give. County officers' bonds.

SEC. 2. *Provided*, that the Sheriff of said county shall give a bond in the sum of eight thousand dollars, in the same manner as bonds are now given by law. Sheriff's bonds.

SEC. 3. All laws and parts of laws, so far as the same conflict or are inconsistent with this Act, shall hereafter be so construed to be held inapplicable to the county aforesaid.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CIX.—*An Act to grant the right to construct and maintain a Bridge across the Mokelumne River.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Josiah Johnson, Edna Benson, and their assigns, are hereby authorized and empowered to construct and maintain a bridge across the Mokelumne River at or near Benson's Ferry, on the boundary between the Counties of Sacramento and San Joaquin, and the right to construct and maintain said bridge across said river at the place aforesaid is hereby granted to the said Johnson and Benson, and their assigns, for the period of fifteen years from the passage of this Act. Right to maintain toll bridge.

SEC. 2. The said Johnson and Benson, or their assigns, shall commence the construction of the said bridge within six months from the passage of this Act, and shall complete the same within one year, otherwise the right to construct shall be forfeited, and this Act shall be void. Time when to construct.

SEC. 3. The said bridge shall be constructed in a substantial manner, of durable material, and shall have a draw or opening of at least forty feet wide, clear of all obstructions in the main channel of the river, which shall always be kept in good working order and condition; and the owners of said bridge shall employ a sufficient force to be in constant attendance at said draw or opening for the purpose of allowing the uninterrupted navigation of said river, and any damage that may accrue by Bridge to have a draw.

reason of negligence or inattention to the duties as prescribed in this Act, shall be at the cost of said bridge and its owners, to be recovered by an action in any Court of competent jurisdiction.

Owners responsible for damages.

SEC. 4. The owners of said bridge shall at all times keep the said bridge in good repair and condition, and the said bridge and its owners shall be responsible for any damages arising to persons or property crossing said bridge, caused by neglect to keep the same in proper repair.

Right to collect tolls.

SEC. 5. Said Johnson and Benson, and their assigns, shall have power to demand and collect of and from the persons and property crossing said bridge, such rates of toll as shall be fixed by the Board of Supervisors of the County of San Joaquin; and it shall be the duty of said Board of Supervisors to fix and regulate, from time to time, the rates of toll to be charged thereon; the said rates of toll, as fixed by the said Board of Supervisors, shall be posted in a conspicuous place at each end of said bridge.

Owners to regulate rate of speed, etc.

SEC. 6. The owners of said bridge may regulate and determine the speed of travel, riding, or driving, upon said bridge, and the number of animals to be driven across at any one time, and may require the speed not to be faster than a walk, and for each violation may recover judgment before any competent Court for damages sustained.

Counties have right to purchase bridge after fifteen years

SEC. 7. After the expiration of fifteen years from the completion of said bridge, the Counties of Sacramento and San Joaquin shall have the right to purchase said bridge at an appraised value, to be determined by five Appraisers: two be selected by the owners of said bridge, one by the Supervisors of Sacramento County, one by the Supervisors of San Joaquin County, and one to be selected by the four Appraisers hereinbefore provided for. Such Appraisers shall estimate and fix the value of said bridge, to be paid for by said counties; *provided*, that when said bridge is so purchased by the counties aforesaid, the right to levy and collect tolls shall cease.

CHAP. CX.—*An Act for the relief of Mary Bowie.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriating money

SECTION 1. The sum of one hundred and eleven dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, and the Controller of State is required to draw his warrant for said amount in payment, and upon a surrender of a certificate of the State Treasurer, issued May first, one thousand eight hundred and fifty-eight, Number Two Hundred and Forty-Seven, in favor of Mary Bowie, Ex., or order, being the remaining unredeemed balance of State indebtedness.

CHAP. CXI.—*An Act to make the Salary of the District Attorney of San Joaquin County payable monthly.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the District Attorney of San Joaquin County shall be and is hereby made payable monthly on the first day of each month, at which time the Auditor of said county shall draw his warrant in favor of the District Attorney of said county for the salary due him for the preceding month. Salary of District Attorney payable monthly.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXII.—*An Act to provide for the payment of the Claim of H. H. Bancroft and Company.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ninety-six dollars and fifty cents is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claim of H. H. Bancroft and Company. Appropriating money

SEC. 2. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State for the amount mentioned in the first section of this Act.

CHAP. CXIII.—*An Act to authorize the issuance of a Duplicate Bond and Certificate to Robert M. Irving.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of State is hereby authorized and required to issue to Robert M. Irving, of the County of Klamath, State of California, a duplicate of Bond Number Four Hundred and Four (404) of the bonds issued under Act of the Legislature entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven, said State Treasurer to issue duplicate bond and certificate.

bond being for the sum of one hundred dollars; also, a duplicate of a certificate issued by the Treasurer of State, under the authority of the above mentioned Act of April twenty-fifth, one thousand eight hundred and fifty-seven, to Robert M. Irving, for the sum of seventy-four dollars and forty-five cents, the number of said certificate being Eight Hundred and One (801); *provided*, that before the issuance of said duplicate bond and certificate, the said Robert M. Irving shall file with the State Treasurer a bond of indemnity in the sum of two hundred dollars, to be approved by said Treasurer, conditioned that in the event of the original Bond Number Four Hundred and Four, or the original Certificate Number Eight Hundred and One, being presented to the State authorities for payment then said two hundred dollars shall be paid to the State of California.

Indemnity bond.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXIV.—*An Act supplemental to an Act concerning Crimes and Punishments, passed April sixteenth, one thousand eight hundred and fifty.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Concerning intent to commit felony.

SECTION 1. If any person shall, in the day time, break and enter any dwelling house, shop, warehouse, store, mill, barn, stable, outhouse, or other building, or wilfully and maliciously, by day, without breaking, enter the same, with intent to steal, or to commit any felony whatever therein, every such person, upon conviction thereof, shall be punished by imprisonment in the State Prison for a term not less than one nor more than five years.

CHAP. CXV.—*An Act to amend an Act entitled an Act to provide for the collection of Taxes on personal property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of said Act is hereby amended so as to read as follows:

Board of Equalization to meet and correct errors of assessment.

Section 2. The Board of Equalization of said city and county, as constituted by section eight of an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, shall meet on the first Monday in June in each year, for the correction of er-

rors in the assessment of personal property, and shall continue in session from time to time, until such errors brought to their notice shall be corrected; *provided*, however, that they shall not sit after the third Monday in June. Said Board shall have power to determine such complaints only as shall be made to them upon sworn statements in writing in regard to the assessed value of any property, and may change and correct any such valuation, either by adding thereto or deducting therefrom, if the sum fixed in the assessment roll is proven to be too small or too great. During the session of the Board the Assessor may be present, and shall have liberty to make any statement touching questions before the Board. During the session, or as soon as possible after the adjournment of the Board, the Clerk shall enter upon said assessment roll all the changes and corrections made by the Board, and thereupon deliver the assessment roll so corrected to the Auditor of said city and county, whose duty it shall be to add up the columns of valuation, and on or before the first Monday in July he shall deliver to the Tax Collector a true copy of the corrected roll, to be styled a Duplicate Assessment List of personal property, with the total of taxes to each person, firm, corporation, and association, carried out in separate money columns, which said duplicate assessment list shall be duly certified by said Auditor.

Duty of Clerk and Auditor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXVI.—*An Act to authorize the Board of Supervisors of the County of Del Norte to issue certain Bonds, and to provide for the payment of the principal and interest thereof.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Del Norte to call an election as soon as may be practicable after the passage of this Act, to submit to the people of said county the question of issuing bonds of the county, the proceeds of which shall be applied towards the purchase or construction of a steamship, to run from San Francisco up the northern coast, but to no point further north than Crescent City. They shall appoint precincts and officers for said election in the same manner as the same are appointed under the general election law of this State, and shall give at least ten days notice thereof; *provided*, that no officer of said election shall receive any compensation for his services as such.

Board of Supervisors to call election.

SEC. 2. Returns of the vote cast at said election shall be sent to the County Clerk's office of said county in manner pre-

Providing for canvass of vote.

scribed by the general election laws, within ten days from the day of holding said election, and the said Board of Supervisors shall meet on or before the Monday succeeding the tenth day after said election to canvass the vote cast at the same.

Form of ballot.

SEC. 3. On the votes cast at said election shall be printed or written the words "Steamship Bonds—Yes," or "Steamship Bonds—No."

Providing for issuance of bonds.

SEC. 4. If, on the canvassing of the votes cast at said election, it shall appear that a majority of the same have on them the words "Steamship Bonds—Yes," then it shall be the duty of the said Board of Supervisors to issue at once bonds of the said county, signed by the President of said Board, and signed and sealed by the County Clerk of said county, to such amount as to them may seem proper, not exceeding the sum of forty thousand dollars, with interest at such a rate as they may deem best, not exceeding fifteen per cent per annum, said bonds to be for sums not less than fifty nor more than five hundred dollars each, and to have coupons for interest attached in such a manner that they may be removed at each payment of interest without injuring said bonds.

When interest shall be paid.

SEC. 5. Said bonds shall be payable twenty years after the date of their issue, and the interest thereon shall be payable at the office of the Treasurer of said county on the first day of January, eighteen hundred and sixty-five, and every six months thereafter until the bonds shall have been redeemed.

Special Interest Fund.

SEC. 6. For the purpose of paying the interest on said bonds the Board of Supervisors shall, at the time of levying the county taxes for each year, levy a special tax on all real and personal property in said county, not to exceed two per centum, which tax shall be assessed and collected in like manner as other county taxes, and paid into the County Treasury into a Special Fund, to be kept by the County Treasurer, under the name of "Steamship Bond Interest Fund," and it shall be the duty of said Treasurer to pay the interest on said bonds from said Fund at the time prescribed in section five of this Act.

Providing for Sinking Fund.

SEC. 7. At the expiration of three years from the time of issuing said county bonds the said Board of Supervisors shall provide a Sinking Fund for the purpose of securing the payment of the principal of said bonds at maturity, and for this purpose they shall impose such special tax upon the real and personal property in said county as may be necessary to meet the same.

To appoint Commissioner for sale of bonds, etc.

SEC. 8. At the time of issuing said bonds the said Board of Supervisors shall appoint one or more Commissioners, whose duty it shall be to attend to the sale of said bonds, the investment of the funds arising from the same in a steamship to run between the points hereinbefore mentioned, and on the part of the county to oversee and direct to the amount of the county's interest the running of the same; *provided*, that none of the bonds shall be sold unless it shall appear that from their proceeds and other subscriptions that may be obtained a staunch sea-worthy vessel can be purchased or built fit to run between the hereinbefore mentioned points; and, further, *provided*, that said bonds, nor any part thereof, shall not be sold at a discount of more than fifteen per cent on the par value thereof.

Rate of discount.

SEC. 9. The said Commissioner or Commissioners shall give

bonds, each, in the sum of five thousand dollars, to be approved by said Board of Supervisors, conditioned for the faithful performance of their duties, and payable to the County of Del Norte, and the stock or interest they may take in the aforesaid steamship shall be issued in the name of the County of Del Norte. Bond of Commissioners.

SEC. 10. It shall be the duty of said Commissioner or Commissioners to keep the interest of said county in said steamship fully insured, and of the Board of Supervisors to provide payment for the same out of the special tax they are herein authorized to levy. Duty of Commissioners.

SEC. 11. It shall be the duty of said Commissioner or Commissioners to collect from said steamship the share of all profits made by it belonging to said county, and pay the same to the County Treasurer, who shall keep the same in a separate Fund, to be entitled "The Steamship Sinking Fund." Profits resulting.

SEC. 12. When at any time there shall be in the County Treasury, either from the source mentioned in section eleven or from the tax herein authorized to be levied by the Board of Supervisors, funds in said Sinking Fund to the amount of three thousand dollars, the said Treasurer shall give notice by publication in a paper published in the City of San Francisco, and in the County of Del Norte, if there be one published therein, and if not, by posting in three public places in said county for ten days, that he is prepared to redeem a certain amount of said bonds, specifying the same, and on the expiration of the notice, he shall proceed to redeem such bonds as may be offered at the lowest figure; *provided*, that no bids above the par value shall be accepted. Redemption of bonds.

SEC. 13. The payment of the expenses incurred for the procuring and issuing of said bonds shall be made by the said Board of Supervisors from the tax authorized to be levied in section six of this Act, as also such pay as the said Board may see proper to allow the Commissioner or Commissioners herein provided for, which pay, however, shall not exceed three hundred dollars, each, per annum. Expenses incurred.

SEC. 14. This Act shall be in force from and after its passage.

CHAP. CXVII.—*An Act to authorize the Board of Supervisors of the County of Amador to levy an additional Tax for county expenditures in said county.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Amador County are hereby authorized and empowered to levy, for the years one thousand eight hundred sixty-four and five, forty —— cents on the one hundred dollars taxable property of said county, in addition to the tax now authorized by law to be levied and col- Power to levy additional tax.

lected in said county for county expenditures, and the income derived from the levy under the provisions of this Act shall be paid into the General Fund of said county, and expended in the same manner as other moneys in said Fund; *provided*, said Board of Supervisors may, in their discretion, authorize and direct the transfer of one half of said income, or a less portion thereof, to the Hospital Fund of said county, and the money so transferred shall be expended in the same manner as other moneys in said Hospital Fund.

How to be collected.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected at the same time and in the same manner as other taxes for county purposes are authorized by law to be collected.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXVIII.—*An Act for the relief of Marcuse and Baltzar.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriating money

SECTION 1. The Controller of State is hereby authorized to draw his warrant upon the Treasurer, in favor of Marcuse and Baltzar, for the sum of three hundred and fifty dollars, in payment of ten coupons for the interest, due on the first day of January, eighteen hundred and sixty-three, on bonds of the State of California, numbered Twenty-Nine Hundred and Eight, Twenty-Nine Hundred and Nine, Twenty-Nine Hundred and Ten, Twenty-Nine Hundred and Eleven, Twenty-Nine Hundred and Twelve, Twenty-Nine Hundred and Thirteen, Twenty-Nine Hundred and Fourteen, Twenty-Nine Hundred and Fifteen, Twenty-Nine Hundred and Sixteen, and Twenty-Nine Hundred and Seventeen, each for the sum of thirty-five dollars; *provided*, that before said Warrant shall be drawn, the said Marcuse and Baltzar shall deliver to the Controller their bond, in the sum of seven hundred dollars, with two good sureties, who shall be resident freeholders of this State, properly indemnifying the State against the future presentation of said coupons, which are alleged to be lost.

Proviso.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXIX.—*An Act to appropriate Money to pay the Claim of T. R. Eldredge and Manuel Torres for Translating Laws into Spanish.*

[Approved February 27, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand three hundred and sixty-eight dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of T. R. Eldredge and Manuel Torres for translating into Spanish the laws of eighteen hundred and sixty-three, passed during the fourteenth session of the Legislature of California; and the Controller is hereby authorized and required to draw his warrants in favor of said T. R. Eldredge for the sum of fifteen hundred and sixty-eight dollars, and in favor of said Manuel Torres for the sum of eight hundred dollars, and the Treasurer of State is hereby authorized to pay the same. Appropriating money

SEC. 2. This Act shall take effect immediately on its passage.

CHAP. CXX.—*An Act to authorize the Removal of the Office and principal Place of Business of Mining and other Corporations from the Town of Aurora, in the Territory of Nevada, to the City of San Francisco, or other places in the State of California.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby declared lawful for any corporation heretofore organized under the laws of this State, whose principal place of business is in the Town of Aurora, Territory of Nevada, and such corporation is hereby authorized and empowered to remove its office and principal place of business to the City of San Francisco, or to any other city or town in the State of California, as such corporation may select, by a resolution of the Board of Trustees thereof, adopted in accordance with its by-laws. Corporation have power to remove office.

SEC. 2. Every such corporation desiring to make such removal shall file in the office of the Clerk of the City and County of San Francisco, or of the City and County of Sacramento, or of such county in this State wherein is situated the city or town to which such corporation desires to remove, a certified copy of such resolution, under their corporate seal, together with a certified copy of the original certificate of incorporation now on file in the office of the Secretary of State, and shall also deliver a certified copy of such resolution to the County Clerk of Esmeralda County, Nevada Territory, and shall cause the same to be published for four successive weeks in some newspaper in the said Town of Aurora; and from the time of the filing of said instruments in the Clerk's office of the proper county in Manner of procedure.

this State, the office and principal place of business of such corporation shall be deemed removed to and established at such city or town in this State as may be declared in such resolution.

Legalizing past removals.

SEC. 3. The resolution heretofore passed by the Board of Trustees of any corporation whose office and principal place of business has heretofore been in the Town of Aurora, removing such office and place of business to any city or town in the State of California, is hereby legalized and declared valid and effectual; and from the time of the passage of such resolution all Acts and proceedings of the Trustees of such corporation, had or done in such city or town in this State, are hereby declared and made valid and effectual, in law and equity, as fully to all intents and purposes as though such city or town had been originally designated in the certificate of incorporation of such corporation as the principal place of business thereof; *provided*, that such corporation shall, within sixty days from the passage of this Act, file in the office of the County Clerk of the county wherein such city or town is situated, a certified copy of such resolution, attested by their corporate seal, together with a certified copy of the certificate of incorporation of said corporation, now on file in the office of the Secretary of State.

SEC. 4. This Act shall take effect from and after its passage.

T. N. MACHIN,
President of the Senate.

WM. H. SEARS,
Speaker of the Assembly.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-seventh day of February, A. D. eighteen hundred and sixty-four.

SEAL.

Witness my hand and the Great Seal of State, this twenty-seventh day of February, A. D. eighteen hundred and sixty-four, at office in Sacramento, California.

B. B. REDDING,
Secretary of State.

CHAP. CXXI.—*An Act to authorize the County Treasurers of the Counties of Napa, Lake, and Mendocino, to collect and receive certain Public Moneys as Revenue.*

[Approved February 29, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional powers conferred on County Treasurers.

SECTION 1. All moneys which under the laws of this State the Tax Collectors of the Counties of Napa, Lake, and Mendocino, and the Sheriffs of said counties as Tax Collectors thereof are now authorized to collect and receive, and all moneys due to or destined by law to be collected and handed over to the several County Treasurers of said counties, (except as hereinafter mentioned,) shall henceforth be payable to and be paid directly to the Treasurers of said counties, and not to the Tax Collectors,

or the Sheriffs as Tax Collectors thereof, and the County Treasurers of said counties, respectively, shall exclusively exercise and perform all of the powers and duties conferred or enjoined upon the Tax Collectors by the provisions of the Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, A. D. eighteen hundred and sixty-one, except those specified in sections thirty and thirty-one of said Act, the provisions of which sections shall continue in force unchanged, and also the powers, duties, and obligations of the Tax Collectors therein mentioned, and the powers, duties, and obligations under the laws providing for the collection of poll taxes and license taxes are also hereby declared to continue and remain in full force, unaffected by this Act; and the assessment book or assessment roll, or copies thereof, shall be delivered to the Treasurers of said counties, instead of the Tax Collector, as was required by law before the passage of this Act, and at the same time and manner as was heretofore required to be delivered to the Tax Collector.

Compensation under this Act.

SEC. 2. The County Treasurers of the Counties of Napa, Lake, and Mendocino, respectively, shall receive, in addition to their present compensation, one half of one per cent on each hundred dollars received by them under the provisions of this Act, and no other percentage or sum shall be paid to any person or officer for receiving or collecting the moneys herein provided to be paid to said Treasurers in said counties before the time of the collection of the same by the District Attorney, as provided by law, and the Treasurers of said counties shall be responsible on their official bonds for any and all acts done pursuant to this Act.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they apply to the counties aforesaid, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXXII.—*An Act amendatory of an Act entitled an Act to define the boundaries, and provide for the organization of Lake County, approved May the twentieth, one thousand eight hundred and sixty-one.*

[Approved February 29, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended as follows:

Boundaries of Lake County.

Section 1. Lake County is bounded as follows: Commencing at the southeastern corner of Mendocino County, thence running in an easterly direction along the dividing ridge between Russian River and Knight's Valleys on the west, and Clear Lake and Loconoma Valleys on the east, to the highest point of Mount St. Helena; thence along the present line to the Butts' Cañon Road; thence eastwardly to the most northern point of the Los Putas Rancho, commonly known as the "Berryessa Rancho;"

thence easterly in a direct line to a point where the second standard line north (United States survey) crosses the line dividing Yolo and Napa Counties; thence northerly along the highest ridge of mountains dividing the waters of the Sacramento on the east, and the Berryessa on the west, until it intersects the line dividing Yolo and Colusa Counties; thence along the main ridge of mountains dividing the waters of Long Valley on the east, and Clear Lake on the west; thence up said ridge to the summit of the Coast Range; thence along the summit to Hull's Mountain; thence west on a direct line to Mount St. Hedson; thence southerly on the ridge dividing the waters of Russian River on the west, and Clear Lake on the east, to the place of beginning.

SEC. 2. Section eleven of said Act is hereby amended so as to read as follows:

Salaries of county officers.

The District Attorney shall receive a salary of six hundred dollars per annum, to be paid quarterly, and such fees as are allowed by law. The County Clerk, who shall be ex-officio Recorder and Auditor, shall receive a salary of one thousand dollars per annum, to be paid quarterly, as other county charges, which salary shall be in full compensation for all services as County Clerk, Auditor, Recorder, and Clerk of the Board of Supervisors, and he shall collect such fees as are allowed by law for all services performed by him in his official capacity, and pay the same into the County Treasury. He shall keep a correct account of all fees received by him, or due for official services performed by him, and shall settle quarterly with the Board of Supervisors. The County Assessor shall be paid a sum not exceeding four dollars per day for the number of days actually necessary in assessing said county, and for each day's necessary attendance during the session of the Board of Supervisors as a Board of Equalization. The Superintendent of Public Schools shall receive a salary of one hundred dollars per annum, to be paid quarterly. All other county and township officers shall

Township officers.

receive, as compensation, the fees allowed by law; *provided*, that the Board of Supervisors shall receive a compensation of ten cents for each mile necessarily travelled in going to and returning from the county seat to attend the regular meetings of said Board, and three dollars for each day's attendance on the same.

SEC. 3. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXXIII.—*An Act to amend an Act entitled an Act to authorize and require the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a Special Tax for the purpose of improving and repairing the public highway connecting Napa City and Lakeport.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Special road tax to be levied by Board of Supervisors.

Section 1. The Board of Supervisors of the County of Lake are hereby authorized and required, for the year one thousand eight hundred and sixty-four, to levy a special tax for the purpose of improving and repairing the public highway connecting Napa City and Lakeport, which passes through Chiles' Cañon in Napa County, and Butts' Cañon in Lake County, which tax shall be twenty cents on each one hundred dollars of taxable property of said county, and shall be levied at the next regular meeting of the Board of Supervisors of said County of Lake, and collected at the time and in the manner of collecting taxes for State and county purposes; *provided*, that the amount so raised shall be appropriated exclusively within the county in which it shall be raised, and upon said highway, and no other.

Penalty for refusing to comply.

SEC. 2. In case the Board of Supervisors of the County of Lake, or any number of them, shall refuse or neglect to discharge the duties required of them, or either of them, by this Act, then and in that case they and each of them so neglecting or refusing, shall be deemed guilty of a misdemeanor, and on conviction thereof before the proper Court shall be adjudged to pay a fine of five hundred dollars each for the use of public highways in said county, and shall be removed from office.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXXIV.—*An Act in regard to holding Terms of the County Court in certain counties of this State.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of County Court in certain counties.

SECTION 1. There shall be held in the Counties of Placer, San Luis Obispo, Santa Barbara, and Monterey, four terms of the County Court in each year, beginning on the first Mondays of the months of March, June, September, and December; and in the Counties of Del Norte and Klamath there shall be held three terms of said Court annually, beginning on the first Mon-

days of the months of April, July, and October, and shall continue until the business thereof is finished. Special terms of said Courts shall be held whenever in the opinion of the County Judge the public interest requires the same, after giving five days notice thereof.

SEC. 2. This Act shall take effect on and after its passage.

CHAP. CXXV.—*An Act in relation to the office of the County Superintendent of Common Schools of the County of San Joaquin.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Office of County Superintendent.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of San Joaquin to provide a suitable office, with the necessary furniture therefor, for the use of the County Superintendent of Common Schools of said county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXXVI.—*An Act to amend an Act entitled an Act concerning the offices of County Clerk, Sheriff, and County Recorder of the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of said Act is hereby amended so as to read as follows:

Manner of giving out Sheriff's advertising.

Section 13. It shall be the duty of the Sheriff to bestow the advertising of his office on either of the three daily papers having the largest circulation in the county who will do the same at the lowest rates. He shall every six months publish three successive times in one or more daily papers published in the County of San Francisco, for such bids, and the daily paper offering to do the work at the lowest price shall be awarded the contract for such advertising; *provided*, it be one of the three papers having the largest circulation, and the proprietors or Chief Clerk of said papers are hereby required to verify, under oath, the amount of their circulation; and, *provided*, also, that no bids so made shall exceed seventy-five cents for one square of three hundred ems for the first insertion, and fifteen cents for each subsequent insertion. Should the proprietors of the aforesaid papers decline to do said advertising at the prices

Rate per square.

as aforesaid, then the Sheriff shall readvertise and give the same to the daily papers published in the English language offering the most favorable terms for doing such advertising.

CHAP. CXXVII.—*An Act for the Relief of John I. Sykes, County Auditor of Nevada County.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Treasurer of Nevada County, in his settlement with John I. Sykes, County Auditor of Nevada County, shall credit the said County Auditor with the sum of four thousand six hundred and forty-four dollars, being the amount or valuation of one thousand and eighty-one foreign miners' licenses, fifty-eight poll tax receipts, and seventy-three military tax receipts, which licenses and receipts were destroyed by fire whilst in the custody of said Auditor, in the Court-house, in the City of Nevada, on the eighth day of November, eighteen hundred and sixty-three, and the Controller of State, in making his settlement with the County Treasurer of said county, shall credit the said Treasurer with the said sum of four thousand six hundred and forty-four dollars, being the amount of the foreign miners' licenses and tax receipts above mentioned. Relief of County Auditor of Nevada County.

SEC. 2. This Act shall take effect immediately.

CHAP. CXXVIII.—*An Act to amend an Act entitled an Act to prohibit the carrying of Concealed Weapons, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Every person not being peace officer, Provost Marshal, enrolling officer, or officer acting under the laws of the United States in the Department of the Provost Marshal of this State, State and Federal Assessors, Collectors of Taxes and Licenses while in the performance of official duties, or traveller, who shall carry or wear any dirk, pistol, sword in cane, slungshot, or other dangerous or deadly weapon concealed, shall, upon conviction thereof before any Court of competent jurisdiction, be deemed guilty of a misdemeanor, and shall be To prohibit carrying concealed weapons. Penalty.

imprisoned in the County Jail for not less than thirty nor more than ninety days, or fined in any sum not less than twenty nor more than two hundred dollars.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXXIX.—*An Act to authorize the Board of Supervisors of Placer County to levy a Special Poll Tax for county purposes.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Supervisors to levy special poll tax.

SECTION 1. The Board of Supervisors in and for the County of Placer is hereby authorized and required, in addition to the taxes authorized by existing laws, to levy, annually, a special poll tax of two dollars on each male inhabitant of said county not by law exempt from poll tax, which shall be assessed and collected in the same manner as other poll taxes are assessed and collected under the general revenue laws of this State, and all the provisions of the laws now in force or which may be enacted hereafter, regulating and prescribing the duties and fees of officers for assessing and collecting the poll tax for State and county purposes, shall be applicable to the assessment and collection of the tax authorized and required to be levied by this Act.

County Treasurer to supply blank receipts.

SEC. 2. The County Treasurer of said county shall, annually, before the first Monday of March of each year, cause a sufficient number of proper blank receipts for said special poll tax, of uniform appearance, changing the style thereof each year, to be printed, and the said Treasurer shall number and sign each of said receipts, and deliver the same to the County Auditor of said county, who shall receipt to said Treasurer therefor; and the County Auditor shall from time to time, and in the same manner and at the same time prescribed by law for the delivery to the Collectors of said county of other poll tax receipts, deliver to each Collector in said county a number of said special poll tax receipts equal to the probable number of persons liable to pay poll tax in the respective districts of said Collectors, who shall receipt to said Auditor therefor.

How disbursed.

SEC. 3. All moneys collected under the provisions of this Act shall be paid into the County Treasury by the Collectors of said county, at the same time and in the same manner as is prescribed by law in relation to State and county poll tax; and it shall be the duty of the County Treasurer to set the same apart as a Special Fund, to pay the interest on the bonds of said county issued to the "Central Pacific Railroad Company," and said money shall be paid out in the same manner as is now prescribed by law for the payment of the interest on said bonds.

SEC. 4. This Act shall be and remain in force from and after its passage.

CHAP. CXXX.—*An Act to amend an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and eighty-one of the Act to which this is amendatory is hereby amended so as to read as follows:

Section 581. The parties shall not be at liberty to give evidence upon any question which involves the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, nor shall any issue presenting such question be tried by said justice; and if it appear, from the plaintiff's own showing on the trial, or from the answer of the defendant, verified by his oath, that the determination of the action will necessarily involve the question of title or possession to real property, or the legality of any tax, impost, assessment, toll, or municipal fine, the Justice shall suspend all further proceedings in the action, and certify the pleadings, or if the pleadings be oral, a transcript of the same, from his docket to the District Court of the county, and from the time of filing such pleadings or transcript with the County Clerk, the District Court shall have over the action the same jurisdiction as if it were commenced therein. Title to real estate.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXXXI.—*An Act amendatory of and supplementary to an Act entitled an Act to provide for the Construction of a Wagon and Turnpike Road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the completion of the entire line of the road provided to be constructed under the provisions of said Act, entitled an Act to provide for the construction of a wagon and turnpike road in Mariposa County, approved February eleventh, eighteen hundred and sixty-three, is hereby extended for the period of eighteen months from and after the passage of this Act. Extending time for completing road.

SEC. 2. All Acts and parts of Acts, so far as the same are in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. CXXXII.—*An Act concerning the District Courts of this State.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Adjourning District Court to a certain day.

SECTION 1. It shall be lawful for the District Court sitting in any county of this State, by an order entered on its minutes, to adjourn the Court to a day certain, within the time fixed by law for the commencement of the next term in such county, notwithstanding a term or terms for some other county within the same district may intervene; *provided*, that such special term shall not interfere with any general term in said district.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXXXIII.—*An Act to exempt Active and Exempt Firemen from Jury Duty in the County of Nevada.*

[Approved March 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Firemen exempt from jury duty.

SECTION 1. In addition to the persons exempted by any other law from jury duty, each active certificate member of the Fire Department of the City of Nevada, of the Town of Grass Valley, and of the Town of North San Juan, in the County of Nevada, and each person who is an exempt member of either of said Fire Departments by reason of five years active service, shall be exempt from liability to act as a grand or trial juror in any Court, and shall not be selected nor be compelled to serve or act as such, if he objects, and proves to the satisfaction of the Court that he is entitled to exemption under this Act; *provided*, that it shall be the duty of the Secretary of each fire company to file with the County Clerk of said county, in the months of June and December, annually, under oath, a list of the active and exempt members of his company, recognized as such by its by-laws.

CHAP. CXXXIV.—*An Act amendatory of and to extend the provisions of an Act entitled an Act authorizing John W. Sharp and his associates to construct and maintain a Toll Road from the eastern bank of the Sacramento River, near Georgiana Slough, to the lower Stockton Road, near Benson's Ferry, in the County of Sacramento, approved April fourteenth, eighteen hundred and sixty-three.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. Said road and bridge or bridges shall be completed within three years from the passage of this Act. When road is to be completed.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this first day of March, A. D. eighteen hundred and sixty-four.

W. H. SEARS,
Speaker of the Assembly.

T. N. MACHIN,
President of the Senate.

SEAL.

Witness my hand and the Great Seal of State, this first day of March, A. D. eighteen hundred and sixty-four, at office in Sacramento, California.

B. B. REDDING,
Secretary of State.

CHAP. CXXXV.—*An Act to authorize P. K. Austin and his associates to construct and maintain a Turnpike Road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. P. K. Austin, together with those whom he may associate with him, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that he and they shall incorporate themselves under the general laws of this State regulating corporations, and shall adopt the name of the "San Rafael Road Company," and shall abide and fulfil the further conditions hereinafter mentioned. Granting rights and franchises.

SEC. 2. Said company, when incorporated as aforesaid, shall have full powers to build, erect, construct, and maintain, a public toll road from San Rafael across the marsh and swamp lands to Point San Quentin, in Marin County, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities, thereunto appertaining, for the space of twenty years from the completion of said road; *provided*, that nothing To maintain a road.

in this Act shall be so construed as to authorize the appropriation or obstruction of any portion of any public road now used, or any obstruction of the navigation of San Rafael Creek.

When to build. SEC. 3. Said company shall, within one year from the passage of this Act, commence the construction of said road, and within two years build and fully complete the same, otherwise the rights herein granted shall be forfeited, and this Act become null and void.

Liabilities for damages. SEC. 4. Said company shall, at all times after its completion, keep said road in passable order and condition, and shall be responsible for any damages arising to persons or property travelling on said road, caused by neglect to keep said road in proper repair and condition.

County may purchase. SEC. 5. After the expiration of two years from the completion of said road the County of Marin shall have the right to purchase said road at an appraised value, to be determined by three Appraisers—one to be selected by said road company, one by the Supervisors of the County of Marin, and one by the two Appraisers herein provided for; *provided*, that after such purchase said road shall be free of toll or charges.

Rates of toll. SEC. 6. Said company, upon the completion and construction of said road, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Marin County shall annually fix; *provided*, that the Legislature may at all times modify or change the rates so fixed by said Board of Supervisors; *provided*, further, the rates of toll so fixed shall be such as to yield to said company eighteen per cent per annum on the actual cost of construction and maintaining said road.

Duty of company. SEC. 7. Said company shall keep conspicuously posted at each end of said road a bulletin board, containing the scale of prices allowed for travel on said road.

SEC. 8. This Act shall take effect and be in force from and after the first day of May, one thousand eight hundred and sixty-four.

February 15th, 1864.—Returned to the Assembly without the approval of the Governor.

In ASSEMBLY, February 18th, 1864.—Passed by the requisite constitutional majority over the Governor's veto.

WM. H. SEARS,
Speaker of the Assembly.

O. C. WHEELER, Chief Clerk of the Assembly.

IN SENATE, February 20th, 1864.—Returned to the Senate without the approval of the Governor.

IN SENATE, March 1st, 1864.—Passed by the requisite constitutional majority over the Governor's veto.

R. BURNELL,
President pro tem of the Senate.

A. W. BISHOP, Assistant Secretary of the Senate.

CHAP. CXXXVI.—*An Act to authorize the Administrator of the Estate of Maria Ygnacia Amador de Alvarado, deceased, to sell and convey Real Estate.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Administrator of the estate of Maria Ygnacia Amador de Alvarado, deceased, is hereby authorized and empowered to sell, either at public or private sale, all the real estate owned or claimed by the said Maria Ygnacia Amador de Alvarado, deceased, at the time of her death, as in the judgment of the said Administrator shall best promote the interest of said estate. Administrator authorized to sell real estate.

SEC. 2. The Administrator shall make a full report of any sale or sales made by virtue of the powers herein granted, to the Probate Court of the County of Los Angeles, and the Judge of said Court shall, either in term or vacation, in open Court or in chambers, examine the same, and confirm or set aside the said sale or sales, as he may deem just and proper for the interest of said estate. To make report to Probate Court.

SEC. 3. After the approval of the sale or sales by the Probate Court or Judge of said Los Angeles County, the Administrator shall convey to the purchaser or purchasers the property so sold and receive the purchase money therefor, and the titles so conveyed shall be as valid as if made under an order of the proper Probate Court in due course of law. On approval title to issue.

SEC. 4. This Act shall take effect immediately after its passage.

February 15th, 1864.—Returned to the Assembly without the approval of the Governor.

IN ASSEMBLY, February 18th, 1864.—Passed by the requisite constitutional majority over the Governor's veto.

WM. H. SEARS,
Speaker of the Assembly.

O. C. WHEELER, Chief Clerk of the Assembly.

IN SENATE, February 20th, 1864.—Returned to the Senate without the Governor's approval.

IN SENATE, March 1st, 1864.—Passed by the requisite constitutional majority over the Governor's veto.

R. BURNELL,
President pro tem of the Senate.

A. W. BISHOP, Assistant Secretary of the Senate.

CHAP. CXXXVII.—*An Act to grant the right to construct a Turnpike Road between the Town of Pine Grove and a point on the Road leading up the Middle Fork of Jackson Creek, about one and three fourths miles above the Town of Jackson, in Amador County.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise granted for turnpike road.

SECTION 1. Stephen Kendall and John I. Cushing, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general law of the State regulating corporations,

To incorporate.

and providing for the incorporation of turnpike roads, and shall adopt the name of the "Pine Grove and Jackson Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

To run 20 years.

SEC. 2. The said company shall have full power to build and maintain a public turnpike road from the Town of Pine Grove, following the line of survey made by J. M. Griffith, as near as practicable, to a point on the county road leading from Jackson, up the Middle Fork of Jackson Creek, by way of Irish Town, to Pine Grove, about one and three fourths miles above said Town of Jackson, in the County of Amador, and have and enjoy all the rights, and privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company for the term of twenty years; and the State enters into these covenants and grants these rights and privileges upon the express condition that within the hereafter named time said company shall commence and complete said turnpike road; *provided*, said turnpike road shall not interfere with or obstruct any public or county road now in use.

To be governed by general laws.

SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads, in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the Pine Grove and Jackson Turnpike Road Company, the damage to be ascertained and paid in the same manner as they are by plank or turnpike road companies.

Width and condition.

SEC. 4. The said turnpike shall be constructed of sufficient width, not exceeding one hundred feet, to admit the passage of the largest and heaviest sized teams, and said road shall be kept, at all seasons of the year, in good condition for travel by the largest and heaviest lumber and other teams.

Right to collect tolls

SEC. 5. All that portion of said road lying between Pine Grove and the house formerly known as the residence of Charles Y. Hammond, near New York Ranch, shall be known as the first division of said Pine Grove and Jackson Turnpike;

When first division is completed.

and whenever said section shall be completed in accordance with the provisions of this Act; *provided*, said division shall be completed within one year from the date of the passage of this Act; said Company shall be authorized and empowered to erect toll gates, and to charge and collect such rates of fare or toll as the Board of Supervisors of Amador County may annually fix;

provided, that such rates of fare or toll shall not be so low as to yield less than fifteen per cent upon the entire cost of the construction of said road, keeping the same in repair, and collecting tolls thereon.

SEC. 6. Said company shall, within two years from the passage of this Act, finish and complete the second division of said road, to wit: From the western terminus of the first division, at said dwelling house near New York Ranch, along the line of survey, or as near thereto as practicable, made by J. M. Griffith, to the terminus of said survey, on the road leading from Jackson, up the Middle Fork of Jackson Creek, at a point on said road about one and three fourths miles above said Town of Jackson. When to be completed.

SEC. 7. Whenever the second division of said road shall have been completed, said company shall erect toll gates on the same, and charge and collect such fare or toll on said second division as said Board of Supervisors shall annually affix. Tolls.

SEC. 8. And in case said company shall finish and complete the first division of said turnpike road, as provided by this Act, and should fail to complete and finish the second division thereof, as herein provided, then said company may and shall continue to charge and collect tolls or fare on said first division, as provided in section five of this Act, and shall forfeit all rights, privileges, and franchises herein granted to said second division of said survey of said road. Forfeiture of rights.

SEC. 9. This Act shall take effect from and after its passage.

February 15th, 1864.—Returned to the Assembly without the approval of the Governor.

IN ASSEMBLY, February 18th, 1864.—Passed by the requisite constitutional majority over the Governor's veto.

WM. H. SEARS,
Speaker of the Assembly.

O. C. WHEELER, Chief Clerk of the Assembly.

IN SENATE, February 20th, 1864.—Returned to the Senate without the approval of the Governor.

IN SENATE, March 1st, 1864.—Passed by the requisite constitutional majority over the Governor's veto.

R. BURNELL,
President pro tem of the Senate.

A. W. BISHOP, Assistant Secretary of the Senate.

CHAP. CXXXVIII.—*An Act to Authorize the payment of the claim of John T. Diossy, for collating and compiling the Revenue Laws of this State.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant in favor of John T. Diossy, on Appropriating money.

the Treasurer of State, who is hereby directed to pay the same, for the sum of fifty dollars, in full for services rendered in collating and compiling the Revenue Laws of this State, in accordance with and by authority of Concurrent Resolution Number Ten, adopted April eighth, eighteen hundred and sixty-three.

SEC. 2. This Act shall take effect and be in force immediately on its passage.

CHAP. CXXXIX.—*An Act to fix the Compensation of the Board of Supervisors of Fresno County.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Compensation of Supervisors.

SECTION 1. Each member of the Board of Supervisors of Fresno County shall receive for his services for each day's necessary attendance on the business of the county, a sum to be fixed by the Board, not exceeding six dollars per day, and not to exceed in the aggregate two hundred dollars in any one year, and shall receive thirty cents for each mile necessarily travelled by him going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of any Supervisor during any one term held.

SEC. 2. All Acts in conflict with the provisions of this Act are hereby repealed, so far as relates to the County of Fresno.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXLI.—*An Act to provide for the Location, Construction, and Maintenance of Public Roads in the County of Nevada.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certain roads declared public highways

SECTION 1. All roads in the County of Nevada which have been located as public highways by order of the Board of Supervisors or Township Trustees, and all roads in public use which have been recorded in county or township records as public highways, or which may be recorded by authority of the Board of Supervisors within six months from and after the passage of this Act, are hereby declared public highways; and all roads in the County of Nevada now in public use which do not come within the foregoing provisions of this section, are hereby declared vacated; *provided*, no toll road shall be established on any road vacated by virtue of the foregoing provisions of this section, upon which there shall have been expended any

Proviso.

money or labor belonging to the Road Fund or tax of said county, unless with the full knowledge and consent of the Board of Supervisors of said county.

Duty and power of Supervisors

SEC. 2. It shall be the duty of the Board of Supervisors of Nevada County to divide said county into a suitable number of Road Districts, and to appoint annually, before the first Monday in March of each year, and at any time thereafter when vacancies shall occur from any cause, an Overseer for each Road District, whom they shall have power to remove at pleasure.

Appointees.

SEC. 3. Immediately after such appointments are made, the County Clerk shall notify the appointees of their appointment, and shall furnish to each Road Overseer a description of the boundaries of his district.

Overseers to enter into bonds.

SEC. 4. The Road Overseers shall, before entering upon the discharge of their duties, enter into a bond, with two or more sureties, to be approved by the Board of Supervisors, in such sum as they may deem necessary, conditioned for the faithful discharge of their duties as Road Overseers to the best of their knowledge and ability, which bond shall be executed to The People of the State of California.

Duty of Overseers.

SEC. 5. The Road Overseers shall cause the public highways within their respective districts to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be constructed where the same may be necessary, to keep the same in repair, and to renew the same when destroyed, and to open new roads when ordered by the Board of Supervisors.

Privileges.

SEC. 6. The Road Overseers shall have power to make use of any gravel, dirt, timber, and rock, for improving the roads, necessary, from any adjacent unimproved lands, and the Board of Supervisors may allow such damages, if any there be, to the owners or claimants of said lands, as they may deem just; *provided*, that said Board of Supervisors shall be liable, jointly and severally, to pay damages to the county, at the suit of any citizen, if it shall be made to appear that they have allowed extraordinary and extravagant damages to such property owners.

Damages.

Receipts to be given for labor.

SEC. 7. The Clerk of the Board of Supervisors shall cause proper blank receipts to be printed, of a uniform appearance, but annually changing the style thereof, which receipts shall be signed by the Auditor of the county in writing. No other receipts than the above mentioned shall be used by the Road Overseers, or given in payment for labor performed upon the roads, or for its equivalent in money, as hereinafter provided.

Auditor to issue receipts

SEC. 8. The Auditor, immediately after the Road Overseers shall have entered upon the discharge of their duties, shall issue to each Road Overseer as many receipts, signed, as he may require, taking his receipt for the same, and the receipts so delivered to such Overseer shall be accounted as so much cash paid him at four dollars each. The Road Overseers shall settle half yearly with the Auditor, to wit: on the first Monday in February and August, and all road receipts returned by them to the Auditor shall be deducted from the amount issued to each Overseer as aforesaid; and the Overseers shall account to the Board of Supervisors at their annual settlement for all receipts not returned by them, and for all moneys received by them

Semi-annual settlements

from the Board of Supervisors belonging to their respective Road Districts.

Who required to perform labor.

SEC. 9. Every male resident of Nevada County over twenty-one and under fifty years of age shall be required to perform, either in person or by substitute, two days' labor on the highways in their respective Road Districts, which labor shall be performed at any time during the year when required by the Road Overseer, or in default of performing labor, shall pay to the Road Overseer of his district the sum of four dollars for the benefit of the highways of the district. Whenever the labor required by this section has been performed by any person, or instead thereof money paid, the Road Overseer shall deliver to the person entitled thereto a proper receipt, signed by the Auditor and countersigned by himself, specifying in said receipt whether received in money or labor, and no receipt shall be given for labor performed upon the roads unless two full days' work has been performed to the satisfaction of the Road Overseer.

Overseer to give notice.

SEC. 10. The Road Overseer shall give at least three days' notice, in writing, to each person resident of his district subject to road tax to appear on a certain day and hour named, and at a certain place in his district, to do and perform the labor required of him by section nine of this Act; and any person thus notified who shall fail to appear, either in person or by substitute, at the day, hour, and place designated in said notice, or who, appearing, shall refuse to perform the labor required of him, shall be considered as a delinquent, and shall be proceeded against as such, and the Road Overseer shall proceed to collect of him, in money, the sum of four dollars, in manner and form as hereinafter provided; *provided*, that nothing herein contained shall be so construed as to prevent the Road Overseer from accepting labor at any time from the delinquent if he shall deem the same advisable. Any person who shall have been prevented by sickness from appearing pursuant to notice, and who shall present to the Road Overseer of his district a certificate from any practising Physician, or three respectable citizens of his district, certifying to his disability to perform the required labor, shall not be liable as a delinquent under the provisions of this Act.

Delinquents

Proviso.

Property of delinquents to be sold.

SEC. 11. Whenever any person shall be declared a delinquent as provided in section ten of this Act, it shall be the duty of the Road Overseers to levy upon any property of said delinquent's which may be found, and to sell the same at auction to the highest bidder for cash, or so much thereof as may be necessary to pay the amount of his delinquency and the cost of levy and sale; *provided*, no sale shall be valid unless due notice thereof has been posted in three of the most public places in the district, of the time and place of such sale, together with description of property to be sold, at least five days previous thereto. The Road Overseer shall be entitled to charge three dollars for his services in levying upon and advertising property, and for selling the same, and the same shall not in any manner become a county charge.

Proviso.

Property may be garnisheed.

SEC. 12. Moneys, credits, and effects of the delinquent may be attached in the hands of third parties by the Road Over-

seers by delivering to the party having such credits, moneys, or effects of the delinquent, a written order of garnishment, requiring said party to pay to him the sum of money due by delinquent, and if the person thus served with notice shall pay the amount demanded, the Road Overseer shall deliver to him a receipt therefor, including the costs and charges allowed to the Overseer, viz: three dollars; and the receipt thus delivered shall be a legal offset to any claims existing against the party garnisheed in favor of the delinquent. If the person on whom the garnishment is served should neglect or refuse to pay to the Road Overseer the sum demanded of him within five days after receiving said notice, the Road Overseer shall apply to any Justice of the Peace of his township for an order requiring said person so served as aforesaid to be and appear before him forthwith, or on a certain day named in said order, to answer under oath concerning any moneys, credits, or effects, in his hands belonging to the delinquent, and if it shall appear by the answer of the party to the satisfaction of the Justice that he has moneys, effects, or credits, in his hands belonging to the delinquent, the Justice shall enter in his docket a judgment against the party thus examined for the sum of seven dollars and costs, four dollars of which shall be paid to the Road Overseer, and applied by him upon the construction and repairs of the highways in his district, and three dollars to the Road Overseer for his services. Upon receiving the said sum of seven dollars, the Overseer shall execute a receipt for the sum of four dollars, signed by the Auditor, and a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor.

Garnishee to appear.

SEC. 13. The Road Overseers shall have power to let contracts for the construction, repairs, and improvement of public roads or bridges in their respective disticts when the amount of such contracts shall not exceed the sum of two hundred dollars; *provided*, that all the contracts shall be let to the lowest responsible bidder; and, *provided*, that no contract shall be let unless due notices of the time and place of letting has been given by posting notices in at least three of the most public places in the district, at least one week prior to letting, specifying the work to be done, and asking for sealed proposals. All contracts for the construction, repairs, and improvement of roads involving an expenditure exceeding the sum of two hundred dollars shall be let by the Board of Supervisors to the lowest responsible bidder, notice of such letting to be advertised in a newspaper published in the county, at least two weeks prior to the letting, asking for sealed proposals; but the Road Overseers may contract for repairs of roads or bridges to any sum not exceeding the sum of fifty dollars without advertising for sealed proposals.

Overseers may let contracts.

Notice for scaled proposals.

SEC. 14. All improvements upon the public highways shall be made under the supervision and direction of the Road Overseers of the district in which the improvement is made, and no contractor shall receive pay in full for work performed under his contract until the Road Overseer has accepted the job from the contractor by certificate in writing; *provided*, that all con-

As to work and contracts.

tracts let by the Board of Supervisors shall by them be accepted.

New roads. SEC. 15. The Board of Supervisors, on presentation of a petition, signed by ten or more persons, residents of the county, and paying road taxes therein, praying for a public road to be laid out or changed within the county, or a petition, signed by one or more persons, praying for a private road or lane to be laid out from the ranch or dwelling of any person to the public road, and designating the location of the road to be established

Notice. as prayed for, shall cause notice to be given by posting notices for at least twenty days in three of the most public places in the township where the road is situated, describing the proposed location or change, and stating the time when they will act upon the subject of the petition; and if they consider a road necessary, they shall appoint three Viewers, the County Surveyor to act as one, who shall view out and locate said road, and appraise all legitimate damages arising from such location or

Viewers' report to be of record. change, and upon the return of the certificate of the Viewers, together with the location, if satisfied with the same, they shall cause the location to be recorded in the County Recorder's office, and declare the same to be a public highway, and cause a notice of their action to be served upon the Road Overseer of the district in which said road is located. They shall also order the payment for damages allowed to be paid out of any money not otherwise appropriated, in the County Treasury, belonging

Damages. to the township in which the road is located; *provided*, that all damages and expense accruing from the location of any private road or lane shall be paid by the party or parties petitioning for said road; and the Board of Supervisors may, before acting upon any petition for such private road or lane, require such a bond from the party or parties so petitioning, as shall in their judgment seem proper to be held as security for all damages or expense accruing from the location of said road, liabilities upon said bonds to be collected as is provided by law in similar cases.

Pay of Viewers. The Viewers shall receive for their services four dollars per day for each and every day actually employed, and twenty cents per mile necessarily travelled in going to and returning from the place where the contemplated road is situated, to be paid by the party or parties praying for such road, if the same shall not be granted, but if granted, then the fees of the Viewers shall become a charge upon the Road Fund of the township in which the road prayed for is situated, except in cases of private roads, in which cases all costs and expense accruing shall be paid as hereinbefore specified.

Supervisors, power to levy tax. SEC. 16. The Board of Supervisors shall have power to levy a property tax, which shall not exceed ten cents on each one hundred dollars of real and personal property in the county, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are levied and collected, and the property tax thus levied and collected shall be paid into the County Treasury for the benefit of the public roads lying in the township from which the same was collected, and the sum thus collected shall be divided among the several Road Districts of the township, and expended in the improve-

ment of the roads in said district by the Road Overseers, under the direction of the Board of Supervisors.

Overseers to keep account

SEC. 17. Each Road Overseer shall keep a correct account of all moneys collected by him in his district for road purposes, together with the names of persons who pay in cash, the amount paid by each, the name of those who perform labor, the number of days' work performed by each, and the names of all delinquents. At each half yearly meeting of the Board of Supervisors each Road Overseer shall render his half yearly account to said Board, verified before some officer having power to administer oaths, in which he shall exhibit the whole amount collected during each preceding half year, the date when, and from whom received, the amount expended by him, to whom and for what purpose paid, the number of days he has been actually employed upon the roads in his district, with the names of the persons employed, distinguishing between those working under pay and those performing labor, as required by section nine of this Act, the whole number of receipts delivered, distinguishing between those given for labor and those given for money, and the names of all delinquents. He shall also furnish a schedule of all property belonging to his Road District. Upon receiving such reports the Board of Supervisors shall make a final settlement with the Road Overseers, and shall allow them each for their services for each day actually and necessarily employed by them upon the roads in their respective districts, the sum of four dollars per day, and the additional sum of fifty cents on each road tax collected in cash; *provided*, that the time occupied in collecting said road tax shall not in any manner be construed as time spent in actual and necessary work on the roads.

Shall render same.

Final settlement.

Public property.

SEC. 18. Each Road Overseer shall be the custodian of all public property belonging to his district, and shall be held responsible for its loss. He shall deliver the same to his successor in office, on demand, and take a receipt of him for the same, specifying each article.

Obstructing highways.

SEC. 19. If any person shall wilfully obstruct any public highway, or any street or lane, by felling any tree across the same, or by placing any other obstruction therein, or by excavating or digging therein, or shall destroy any ford or crossing of any creek, gulch, river, or stream, of any character, by digging away the banks, or by damming, deepening, or widening the same, or by filling up, or in any manner injuring or destroying any gutter or sewer constructed for the purpose of carrying away water from any road, he or they shall be liable to a prosecution before any Justice of the Peace of the township by any Road Overseer or citizen of the Road District in which the offence is committed, and upon conviction shall pay a fine of not less than twenty nor more than fifty dollars, and shall forfeit five dollars for every day he shall suffer such obstructions to remain after he or they shall have been ordered to remove the same by the Overseer or Justice of the Peace before whom he or they shall have been prosecuted; *provided*, that if any person or persons shall wish to dig or construct any ditch across any

Penalty.

Proviso.

public highway, street, or lane, for the purpose of conveying water for mining, mechanical, agricultural, or other necessary or useful purpose, they shall be permitted to dig or construct such ditch; in which case the owner or owners of such ditch shall construct or cause to be constructed and keep in repair at their own expense, good and substantial bridges or crossings over such ditch. If the owner or owners of any such ditch or ditches shall fail or neglect to construct such bridges or crossings, and keep the same in repair, he or they shall be liable to prosecution and fine as hereinbefore provided in this section.

Injury of bridge or plank road.

SEC. 20. If any person shall wilfully destroy or injure any bridge, plank road, or causeway, or remove or cause to be removed any of the plank or timber therefrom, or cut down or injure any tree planted or growing as a shade tree in any highway, street, or lane, or damage any such highway, street, or lane, by digging in it, he shall be liable to be prosecuted before any Justice of the Peace of the township, by the Road Overseer or any citizen of the district in which the offence is committed, and on conviction shall be fined in any sum not less than five nor more than one hundred dollars.

Penalty.

Actions under this Act.

SEC. 21. All actions commenced under the provisions of this Act shall be in the name of The People of the State of California, and no officer or resident otherwise competent shall be deemed incompetent to act as such officer, or as a juror, or witness in such case, because of any interest he may have in the event of such suit by reason of his being a resident of such township merely.

Fines.

SEC. 22. All fines collected under the provisions of this Act shall be paid into the County Treasury, for the benefit of the Road District in which the same was collected.

Overseers to be liable for not removing obstructions.

SEC. 23. Any Road Overseer who shall fail to remove or cause to be removed any obstructions in the roads of their respective districts, within a reasonable time after being notified that such obstruction exists, shall be liable, upon conviction before any Justice of the Peace, at the suit of any citizen, to be fined in any sum not exceeding fifty dollars and costs, and shall forfeit and pay the sum of five dollars for each and every day thereafter in which he shall suffer said obstructions to remain, to be recovered in like manner, at the suit of any citizen. He shall also be liable on his bond for all damages resulting from such obstructions.

To be applicable to Nevada and Grass Valley.

SEC. 24. Such portions of this Act as provide for the levy, notification, labor, and collection of poll taxes for road purposes, are hereby declared to be and are made applicable to the City of Nevada and Town of Grass Valley, in said county.

SEC. 25. All Acts and parts of Acts which conflict with the provisions of this Act, so far as they relate to the County of Nevada, are hereby repealed.

SEC. 26. This Act shall take effect and be in force from and after its passage.

CHAP. CXLI.—*An Act to amend an Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representation thereof, approved May eighteenth, eighteen hundred and sixty-one.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of the above entitled Act is hereby amended so as to read as follows: Amends Section 12.

Section 12. The Counties of Tuolumne and Mono shall be the Twelfth Senatorial District, and shall elect two Senators and three Members of Assembly.

CHAP. CXLII.—*An Act amendatory of and supplementary to an Act entitled an Act to tax Foreign Insurance Companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, A. D. eighteen hundred and sixty-two, is hereby amended so as to read as follows: "An Act to tax and regulate foreign insurance companies doing business in this State." Title of Act fixed.

SEC. 2. Section seven of the said entitled Act is hereby amended so as to read as follows:

Section 7. Every fire insurance company or association not incorporated under the laws of this State shall, in addition to the payment of the annual tax upon premiums as provided in section one of this Act, make a special deposit with some banker or bankers of this State, who shall be approved by the Controller of this State, before issuing any policies of insurance or taking any risks of any amount whatever, of the sum of seventy-five thousand dollars in public stocks of the United States, of this State, (that are not exempt from State taxation,) or stocks or bonds of the City or City and County of San Francisco; certificates of such deposits shall be filed with the Treasurer of the City and County of San Francisco; *provided*, however, that companies or associations already established and doing business in this State prior to the passage of this Act shall not be obliged to deposit said stocks or bonds until the first day of May, A. D. eighteen hundred and sixty-four; *provided*, that the Treasurer of the City and County of San Francisco shall examine said deposits quarterly, and report the condition thereof to the State Controller; and, further, *provided*, said companies and associations shall duly execute, acknowledge, deliver, and

Insurance companies to deposit bonds.

To file certificates with County Treasurer.

To report to State Controller.

To issue power of attorney.

cause to be duly recorded in the City and County of San Francisco, a good and sufficient power of attorney to some person who shall be a citizen of the United States, and a citizen and resident of the State of California, which power, so long as such company shall have outstanding policies of insurance in said State, shall be irrevocable, except by substitution of other person or persons, qualified as aforesaid, authorizing and empowering such Attorney or Attorneys to accept service of all writs and process requisite and necessary to the complete acquisition of jurisdiction of such company by any of the Courts of this State, or United States Courts therein, and constituting such Attorney or Attorneys the authorized Agent or Agents of such company, upon whom lawful and valid service of all writs and process may be made in all actions or special proceedings instituted by or against any such company in any of the Courts of this State, or in any Federal Court within this State, and which shall be necessary to the acquisition or complete exercise of the jurisdiction aforesaid by said Courts.

SEC. 3. Section eight of said above entitled Act shall be amended so as to read as follows:

Bonds to be approved by Controller.

Section 8. Such banker or bankers so approved by the Controller shall hold said stocks and bonds on special deposit, as security for policy holders in said companies; but so long as any company so depositing shall continue solvent, and shall comply with all the requisites of the laws of this State applicable to such company, permit such company to collect the interest or dividend on its bonds or stocks so deposited, and from time to time to withdraw any of such securities, on depositing with such banker or bankers so approved by the Controller other like securities or stocks, the value of which shall be equal to the value of such as may be withdrawn.

No policy to be good unless this Act be complied with.

SEC. 4. It shall not be lawful for any person to act within this State, as Agent or otherwise, in receiving or procuring application for insurance in or in any manner to aid in transacting the insurance business of any company or association not incorporated under the laws of this State, until he has procured a certificate from the Controller that the company or association for which he acts has complied with all the provisions of this Act; and for every such certificate so obtained the sum of five dollars shall be paid to the Controller, and all policies issued or insurance taken before the issuance of such certificate shall be null and void for all purposes whatever.

Bonds subject to attachment.

SEC. 5. All such stocks and bonds in the hands of such banker or bankers so approved by the Controller, shall be liable to attachment or seizure under execution in any suit or judgment against any such company or association; and within ten days after any such attachment or seizure, the said company or association shall further deposit with such banker or bankers so approved by the Controller such an amount of said stocks

Additional bonds to be deposited.

or bonds as shall equal in value what may have been so sold; and in case of failure by such company or association, he shall revoke all certificates in behalf of said company or association, and shall cause a notification thereof to be published in some newspaper of the City and County of Sacramento, and also of the City and County of San Francisco, for four weeks; and

from the expiration of said ten days said company or association, and all Agents thereof, shall discontinue the issuing of any new policy, or the taking of any further risks.

When company desire to relinquish business.

SEC. 6. When any such company transacting business within this State shall desire to relinquish its business, the Controller shall, on application of such company or association, under the oath of the President, or principal officer, or Secretary, or any resident Agent thereof, give notice of such intention in a newspaper printed and published in the City and County of San Francisco, at least twice a week for six months, and after such publication he shall direct such banker or bankers so approved by him, to deliver up and they shall deliver up to such company or association the securities held by such banker or bankers belonging to such company, on being satisfied by the exhibition of the books and papers of such company or association kept by their Agents or officers in this State, and upon the oath of the President, or principal officer, or Secretary of the same, or resident Agent, that all debts and liabilities of every kind are paid and extinguished that are due or may become due upon any contract or agreement made with any citizen of this State; *provided*, that the expense of all printing under this Act procured by the Controller shall be paid by such company before delivery of the securities.

Advertise six months.

License to be paid.

SEC. 7. There shall be levied upon and collected from each person, firm, office, or Agent collecting premiums of insurance in this State, or in any manner or in any capacity whatsoever, on either fire, life, marine, or inland risks, for or on account of any company, association, corporation, or individual, a license tax of twenty-five dollars per quarter year, payable quarterly in advance, to the Collector of License Taxes under the revenue laws of this State. Such Collector shall account for and pay over the same at the time and in the manner provided by law for the payment of other State and county licenses. The Treasurer of the county, or city and county, shall pay into the State Treasury all moneys collected under the provisions of this Act at the same time and in the same manner as other moneys belonging to the State are required to be paid; but nothing contained in this Act shall be construed to apply to sub-agencies reporting to and under control of the Agent at the city, or city and county, where the principal office of the agency shall be located; and all requirements of this Act shall be complied with by the principal Agent as aforesaid, who shall be deemed the Agent for that purpose.

To State Treasury.

Violation to be deemed a misdemeanor.

Penalty.

SEC. 8. Every wilful violation of this Act shall be deemed a misdemeanor, and subject the party violating to a penalty of five hundred dollars for each violation, which shall be sued for and recovered in the name of The People, by the District Attorney of the county in which the company, or the Agent, or Agents so violating shall be situated, and one half of the said penalty, when recovered, shall be paid into the Treasury of said county, and the other half to the informer of such violation; and in case of non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any Court having cognizance thereof.

SEC. 9. All Acts and parts of Acts in relation to insurance companies inconsistent with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect from and after its passage.

CHAP. CXLIII.—*An Act to amend an Act entitled an Act to amend an Act entitled an Act relating to the Levying of Taxes, approved May fifteenth, one thousand eight hundred and sixty-two, approved April twenty-seventh, one thousand eight hundred and sixty-three.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amending Section 1.

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Section one of the Act approved May fifteenth, one thousand eight hundred and sixty-two, and amended by an Act, approved April twenty-seventh, one thousand eight hundred and sixty-three, is hereby amended so as to read as follows:

Ad valorem tax.

Section 1. Whenever an ad valorem or other tax upon the assessed value of property is levied by law, and the rate or percentage of such tax is established by law, and required to be collected annually, or in any year, it shall be the duty of the County Auditor of each county, or city and county, or the officer discharging the duties of Auditor, to forthwith notify the Tax Collectors, Assessors, Treasurer, and all officers connected with the collection and disbursement of the revenue in his county, of the levy of and the amount of such tax, and to enter upon the assessment roll or rolls the amount of such tax upon each parcel of property assessed, in the same manner as if the Board of Supervisors had levied such tax, or added the same to the other taxes levied by law.

Duty of Auditor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLIV.—*An Act making Appropriations for Deficiencies in the Appropriations for the Fifteenth Session of the Legislature.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriating money for contingent expenses.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the following purposes: The sum of six thousand dollars for contingent expenses of Senate, Fifteenth Session of Legislature, and the sum of nine thousand dollars for

contingent expenses of Assembly, Fifteenth Session of Legislature. If there are any surplus after paying the contingent expenses of both Houses, it shall be returned to the General Fund.

SEC. 2. The sum herein appropriated shall not be subject to the provisions of an Act entitled an Act to create a Board of Examiners, etc., approved April twenty-first, eighteen hundred and fifty-eight.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CXLV.—*An Act to repeal an Act entitled an Act regulating Fees of Office of Justices of the Peace and Constables in the County of San Joaquin.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees of Justices of the Peace and Constables.

SECTION 1. An Act entitled an Act regulating fees of office of Justice of the Peace and Constables in the County of San Joaquin, approved thirteenth of April, eighteen hundred and sixty-three, is hereby repealed, and the provisions of an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five, in so far as they relate to Justices of the Peace and Constables, are hereby revived, and shall, from and after the passage of this Act, have full force and effect.

CHAP. CXLVI.—*An Act concerning the office of County Clerk of the City and County of San Francisco.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deputy Clerks to be appointed.

SECTION 1. The County Clerk of the City and County of San Francisco may appoint two Deputies for the County Court, one of whom shall receive a salary of one hundred and seventy-five dollars per month, and the other a salary of one hundred and fifty dollars per month. The said County Clerk may also appoint two Deputies for the Probate Court, one of whom shall receive a salary of one hundred and seventy-five dollars per month, and the other a salary of one hundred and fifty dollars per month; *provided*, that the Clerks appointed by virtue of this Act shall be in lieu of those heretofore authorized to be appointed for the County Court, Probate Court, and Court of Sessions.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. CXLVII.—*An Act to prevent the destruction of Timber on the Public Lands in this State.*

[Approved March 2, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Shall not cut or girdle any tree.

SECTION 1. It shall not be lawful for any person to cut or girdle any tree on any land within this State belonging to this State or the United States, so as to remove the bark on such tree more than one eighth of its circumference, nor more than three inches in depth into the wood of the same.

Penalty.

SEC. 2. Any person who shall cut a tree contrary to the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not more than five hundred dollars, or be imprisoned in the County Jail not more than two hundred and fifty days, or both such fine and imprisonment.

Gathering pitch a violation.

SEC. 3. Any person who shall gather pitch or other substance discharged from a tree which has been cut contrary to the provisions of this Act, shall be deemed prima facie to have cut the same.

To whom lands belong

SEC. 4. All the lands within this State shall be deemed lands of this State or of the United States, unless the party accused of the violation of this Act shall prove on trial that the land on which he cut the trees contrary to the provisions of this Act, belonged to the person so accused, or that he cuts the same by permission of the owner of the land.

Timber cut for manufacturing, etc., not subject.

SEC. 5. This Act shall not apply to persons who cut trees in good faith for the purpose of manufacturing the same into lumber, firewood, tanning, for agricultural, mining, or tannery purposes; *provided*, that where timber is wanted for tunnels and for mining uses generally, the persons having such wants may cut down and work up, economically, from time to time, so many trees as may suffice; but it shall not be lawful for any person to fall trees on the public lands in anticipation of future needs, and which may not be required for immediate use. Nor shall any person fall trees for the sake of the limbs for firewood, for the purpose of manufacturing charcoal, while having no use for the trunk or body of the tree. Whoever may violate the provisions of this section shall become liable to the pains and penalties as set forth in section two of this Act.

Clearing of mineral lands.

SEC. 6. This Act shall not be held to apply to the clearing of mineral lands for the purpose of working the same, or to the cutting of timber for lumbering purposes.

SEC. 7. This Act shall take effect from and after the fifteenth day of March, one thousand eight hundred and sixty-four.

CHAP. CXLVIII.—*An Act to authorize the Board of Supervisors of Nevada County to levy an additional [Tax] for county purposes.*

[Approved March 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Nevada are hereby authorized, empowered, and required to levy annually an additional tax, for county purposes, upon all the taxable property, real and personal, in said county, not exceeding twenty-five cents on each one hundred dollars of valuation. Such tax to be levied, assessed, and collected as other State and county taxes are now levied, assessed, and collected, under and by virtue of the provisions of the Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one, and Acts amendatory and supplementary thereto. Supervisors to levy additional tax.

SEC. 2. The moneys arising out of and collected from said tax shall be paid into the County Treasury of said county, and shall be kept by the Treasurer of said county as a separate Fund, to be known as and called the Court-house Fund, and shall be appropriated, drawn, and used for the sole purpose of rebuilding the Court-house in and for said county, by the said Board of Supervisors, in the same manner as other moneys are now drawn and appropriated from said County Treasury. How moneys to be used.

SEC. 3. When the cost and expense of rebuilding the Court-house in said county shall have been fully paid out of the funds created by the special tax herein provided for, or out of any other funds or moneys of said county which may be lawfully appointed to that purpose by the Board of Supervisors of said county, the authority to levy such tax conferred by this tax [Act] shall cease and determine, and any moneys remaining in said Court-house Fund after the payment of all debts incurred by the rebuilding of said Court-house, shall be transferred to the General Fund of said county, by order of the Board of Supervisors, and be devoted to the general uses of said county. When tax to cease.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CXLIX.—*An Act amendatory of and supplementary to an Act entitled an Act to provide for the Improvement and Protection of the Wharves, Docks, and Water Front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Board of Commissioners created.

Section 1. A Board of three Commissioners is hereby created, which shall be known as the "Board of State Harbor Commissioners," (by which name they may be sued and defend in all cases arising under this Act in any Court of competent jurisdiction,) one of whom shall be elected by the qualified electors

How elected

of the State, at the same time and in the same manner as members of the Assembly are elected; one of them shall be elected by the members of the Senate and Assembly in Joint Convention, on such a day and at such an hour as may be agreed to by both Houses; and one shall be elected by the qualified electors of the City and County of San Francisco, at the same time and in the same manner as municipal officers are elected in said city and county. Each of said Commissioners shall hold his

Terms of office.

office for the term of four years, and until his successor is elected, commissioned, and qualified, as in this Act provided, except the Commissioners first elected, who shall hold their offices as follows, viz: The first Commissioner elected by the Legislature in Joint Convention shall be elected at the present session, and shall hold his office for one year from the date of the first meeting of the Board as in this Act provided, and until his successor is elected and qualified; the first Commissioner elected by the qualified electors of the City and County of San Francisco shall hold his office for two years from the date of the first meeting of the Board, and until his successor is elected and qualified; and the first Commissioner elected by the qualified electors of the State shall hold his office for four years, and until his successor is elected and qualified. The first Commissioner elected by the qualified electors of the State shall be elected at the general election in eighteen hundred and sixty-three, and the first Commissioner elected by the qualified electors of the City and County of San Francisco shall be elected at the election for municipal officers in said city and county in eighteen

Shall give bond.

hundred and sixty-three. Each of said Commissioners shall, before being commissioned as hereinafter provided, give to the State of California a bond in the sum of fifty thousand dollars, with two or more sureties, conditioned for the faithful performance of the duties required of him under this Act, which bond shall be approved by the Governor and State Treasurer, in writing indorsed thereon, and shall be filed in the office of the Secretary of State. The Commissioners shall also take and

Shall subscribe the oath of office

subscribe the usual oath of office, which shall be filed in the office of the Secretary of State. As soon as may be after any

one of the Commissioners elected under this Act shall have delivered to the Secretary of State the bond and oath required of him in this section, the Governor shall issue to such person a commission, which shall authorize him to perform the duties required of him by this Act. Such Commissioners shall not be sureties for each other on their official bonds, nor shall any State officer or member of the Legislature be accepted by the Governor and State Treasurer as surety on said bonds.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Shall take possession of portion of bay.

Section 2. As soon as all three of the Commissioners created by this Act shall have received their commissions, they shall take possession of and hold all that portion of the Bay of San Francisco lying along the water front of said City and County of San Francisco, and adjacent thereto, to the distance of six hundred feet into the waters of said bay from the line of the water front, as defined by an Act of the Legislature, approved March twenty-sixth, one thousand eight hundred and fifty-one, together with all the improvements, rights, privileges, franchises, easements, and appurtenances connected therewith or in any wise appertaining thereto, excepting such portions of said water front as may be held by parties under valid leases; and the Commissioners shall also take possession and have control of any and all such portions of said water front, with the improvements, rights, privileges, franchises, easements, and appurtenances, as are held under valid leases as soon as said leases shall respectively expire and become void. The Commissioners shall, as soon as may be after entering upon their duties under this Act, investigate and ascertain by what authority any portion of said water front is possessed and held by persons or parties adversely to the possession of the State through such Commissioners, and shall publish the result of their investigations in one of the newspapers printed and having the largest circulation in said City and County of San Francisco; and if any person or company in the possession of any portion of said water front, holding the same adversely to the State, shall, when required by the Commissioners to make known to them the authority by virtue of which such person or company claims to hold such possession, refuse or neglect to make the same known, the Commissioners shall institute such legal proceedings as may be necessary to discover the nature of such authority; and the costs of such proceedings shall be paid and recovered from the person or company in such adverse possession and so refusing. The said Commissioners are hereby authorized and empowered, in the name of The People of the State of California, to institute actions at laws or in equity for the possession of any wharf or wharves, or other rights, privileges, franchises, etc., named in this section, or for the recovery of the tolls, dockage, rents, and wharfage thereof; also for breach of any contract made with them as such Commissioners, and for the removal of obstructions, and abatement of any and all nuisances on the water front mentioned in this Act, and to prosecute the same to final judgment.

With improvements.

Parties holding adversely to State.

Commissioners' duty

SEC. 3. Section three of said Act is hereby amended so as to read as follows:

For what purposes Commissioners shall hold.

Section 3. The Commissioners shall have and hold possession and control of said water front, with the improvements, rights, privileges, franchises, easements, and appurtenances connected therewith, or in anywise appertaining thereto, for the following purposes and uses:

Keep in repair.

First—To keep in good repair all the sea walls, embankments, wharves, piers, landings, and thoroughfares, for the accommodation and benefit of commerce.

Dredging.

Second—To dredge such number of the docks as the commerce of the harbor may require, to a depth that will admit of the easy ingress and egress of the vessels which load and unload at said wharves and piers.

New wharves.

Third—To construct such new wharves, piers, landings, and thoroughfares as the wants of commerce may require.

For safety.

Fourth—To construct all works necessary for the protection of wharves, piers, docks, landings, and thoroughfares, and for the safety and convenience of shipping.

Where new sea wall is to be commenced.

Fifth—To provide for the construction, out of the surplus funds growing out of the revenues arising from said wharves, such sea walls or other structure along the water front of said City and County of San Francisco, as shall, upon accurate surveys made for that purpose, be found to be necessary for the protection of the harbor and water front of said city and county. The said structure or sea wall shall be commenced at some point between Harrison street and Chestnut street, upon said water front, and shall be completed between said streets before any work upon said structure or sea wall is done north of Chestnut street, or south of Harrison street.

Collect tolls, etc.

Sixth—To collect such rents, tolls, wharfage, craneage, and dockage, as may, from time to time, be fixed under the authority of this Act, and to disburse and dispose of the revenues arising therefrom, as in this Act provided.

SEC. 4. Section five of said Act is hereby amended so as to read as follows:

Lease of wharves.

Section 5. Whenever any wharf, wharves, or other portion of the water front, shall come into the possession of the Commissioners under section two of this Act, they may proceed to lease the same, separately, for terms not exceeding three years; *provided*, that such wharves or other portion of such water front lying between Vallejo street on the north, and Third street on the south, as may be necessary for the use of ferry boats plying across the waters of the Bay of San Francisco shall be designated by said Commissioners, who shall thereupon, by lease, grant the use of the same to the owner or owners of said ferry boats for a period not exceeding three years, free of rent or charge of any kind whatsoever, but upon the condition that the lessees thereof shall dredge the docks or slips used by them, repair the wharves, and construct all works necessary for the protection of said wharves, docks, or landings, pursuant to the regulations prescribed by the Commissioners; and conditioned, further, that said lessees shall not make any charge, by way of wharfage, or otherwise, for the use of said wharves, docks, or landings, by passengers travelling or carried upon said ferries, and that said wharves, docks, and landings shall not be used by said ferries for any other purpose than ferriage; *provided*, that nothing herein con-

To ferry boat owners.

Proviso.

tained shall prevent ferry owners or companies from leasing wharves, or slips, or landings, from said Commissioners, upon the same terms and conditions as other persons or companies. Before leasing any wharf, wharves, or other portion of the water front, they shall advertise, for at least thirty days, in a daily newspaper published in the City and County of San Francisco having the largest circulation, inviting sealed proposals or bids for leasing, separately, such wharf, or wharves, or other portions of the water front. Such advertisements shall contain all necessary information in regard to the terms of the leases to be made, and such lease or leases shall be awarded to the highest responsible bidders; *provided*, that if all such bids are, in the opinion of the Commissioners, unreasonably low, they may reject them all, and advertise for further bids in like manner as before. In such leases, the Commissioners shall make such provision, not inconsistent with this Act, for the proper dredging of the docks, repair of wharves, and construction of all works necessary for the protection of wharves, docks, and landings, as in their opinion the safety and convenience of shipping may require. Should the Commissioners be unable to lease any wharf or other work coming into their possession, they shall employ some suitable person or persons to collect the revenue which may arise from such wharf or other work, and pay a proper compensation therefor, not exceeding the rate of one hundred dollars per month to each person so employed, and not, in any case, exceeding the sum of two hundred dollars per month for collecting the revenue as aforesaid, and not exceeding the amount collected from such wharf or other work; and the persons so employed shall be required to file a satisfactory bond with the Commissioners, sufficient to cover any amount of revenues which may at any time remain in the hands of such Collectors. They shall require each person so appointed to keep a correct account of all moneys by him collected, in suitable books to be furnished him by the Commissioners, which books shall be open to the inspection of the public at all reasonable times. They shall require each person so appointed to pay over to them, or to the Secretary of the Board, all moneys by him collected as often as once in each week; *provided*, that no wharf or other work capable of being leased for a sum greater than one hundred and fifty dollars per month, over and above the expense of keeping the same in repair and dredging the docks adjoining the same, shall be retained in the possession of the Commissioners by virtue of the last preceding part of this section for a longer time than six months without re-advertising the same. The provisions of this section shall apply to all new wharves and other works constructed under the direction of the Commissioners, as soon as the same are completed and ready for use. Neither one of the Commissioners, nor the Secretary, shall ever be interested in any lease or contract made under the provisions of this Act.

Shall advertise.

Dredging and repairs.

Collection of revenue.

Accounts to be kept.

SEC. 5. Section seven of said Act is hereby amended so as to read as follows:

Section 7. All moneys collected under this Act shall be paid into the State Treasury by the Commissioners as often as once in each month, in like currency as received, excepting the sala-

Revenue collected to be paid into State Treasury.

ries of the Commissioners, Secretary, and the Wharfingers, the office rent, cost of the safe, office furniture, books, stationery, lights, and fuel, and all necessary expenses for the improvement and repair of the wharves, not exceeding three thousand dollars per month, which amount the Commissioners are authorized to expend only in making repairs demanded by urgent necessity, without advertising for proposals; and it shall be the duty of the Commissioners to take vouchers for all sums of money expended by them under this Act, and safely keep the same on file in the office of the Board. For all sums of money paid by the Commissioners, excepting those above named in this section, they shall draw their orders on the Controller of State, which orders shall be countersigned by the Secretary of the Board, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any money in the Wharf and Dock Fund. No warrant shall be drawn by the Controller upon the State Treasurer, as provided in this section, unless the order shall bear the signatures of all three of the Commissioners and the Secretary.

How money to be drawn.

SEC. 6. Section eight of the above entitled Act is hereby amended so as to read as follows:

Commissioners to report to Controller.

Section 8. On the payment of any money into the State Treasury, as provided in section seven of this Act, it shall be the duty of the Commissioners to report to the Controller of State the total amount of money received and disbursed by them for the period for which such report is made, and the amount to be paid into the State Treasury, and to file with the Controller the receipt of the State Treasurer for the money paid into the Treasury. It shall be the duty of the State Treasurer to receive all moneys paid into the State Treasury by the State Harbor Commissioners, and keep the same in a separate Fund, to be known as the "State Wharf and Dock Fund," and to pay out the same as provided in section seven of this Act. The State Treasurer shall keep an accurate account of all moneys received into the State Treasury and paid out under this Act, in books kept solely for that purpose.

Duty of Treasurer.

SEC. 7. Section nine of said Act is hereby amended so as to read as follows:

Provision for improvements.

Section 9. It shall be the duty of the Commissioners to make all improvements deemed necessary, and to designate the time and manner of making the same. When they shall determine that repairs shall be made, a new wharf constructed, a dock dredged, or other improvements made, they shall advertise for sealed proposals, for at least ten days, in one of the newspapers printed and published in the City and County of San Francisco having the largest local circulation, and let out all contracts made to the lowest responsible bidder. The advertisments for proposals for contracts shall contain an accurate description of the work to be done, with a full description of the materials to be used, and such other details as may be necessary to a correct understanding of the entire work to be performed. The Commissioners shall have the power to set apart for the uses and purposes of dry docks or marine railways such portion of the water front of the City and County of San Francisco (not included between Chestnut and Harrison streets) as the wants of

Shall advertise for proposals.

For purposes of dry docks.

commerce may require, and shall lease the same, for a period not exceeding twenty years, in the same manner as herein provided for the lease of wharves. On a certain day, to be named in the publication, the Commissioners shall open the bids in the presence of such of the bidders as may be present, and award the contract to the lowest responsible bidder who shall furnish sufficient sureties to guarantee a performance of the work; *provided*, that if, in the opinion of the Commissioners, the bids are unreasonably high, they may reject them all, and advertise anew in like manner as before. And if, in the opinion of the Commissioners, the second set of bids are also unreasonably high, they may reject them likewise, and enter into a contract with responsible parties, without giving further public notice; *provided*, further, however, that any such contract entered into without giving public notice, shall be at least five per cent less than the lowest bid rejected as provided in this section. Proviso.

SEC. 8. Section ten of said Act is hereby amended so as to read as follows:

Section 10. Every wharf hereafter constructed shall commence at the foot of some street, as laid down on the official map of the City and County of San Francisco, and shall extend into the bay in a direct line with such street. No wharf hereafter constructed shall ever be extended into the bay more than six hundred feet beyond the water front of said City and County of San Francisco, as established by an Act of the Legislature, approved March twenty-sixth, one thousand eight hundred and fifty-one. All of the spaces bounded by the said water front and a line parallel thereto, and six hundred feet therefrom, in said bay, and lines running from the termination of the lines of said streets and in a straight course with said lines to the line in the bay six hundred feet from said water front, shall be used solely and exclusively for docks, quays, landing places, and thoroughfares, forever, and said spaces are hereby dedicated to the aforesaid uses forever; *provided*, that all the streets of the City and County of San Francisco lying along the water front shall be extended to a uniform width of one hundred and fifty feet, the outer half of which shall be constructed or built and maintained in good repair by the Commissioners created under this Act, or parties holding under them, and may be used as a landing place, or pier, on which dockage, wharfage, and tolls may be collected; and until such extensions are made, the Commissioners shall have and use as a landing place, with full power to collect dockage, wharfage, and tolls upon the same, so much of the streets now fronting upon the Bay of San Francisco as may be used for such purpose without obstructing the same as a thoroughfare; and *provided*, further, that the Commissioners shall have no authority to construct any works in the slips between the streets which shall extend beyond the line of the streets as defined in this section, except such as may be necessary for ferry uses; and *provided*, further, that a street shall be laid out and constructed along the water front from Market to Pacific street, which shall have its whole width of one hundred and fifty feet outside or easterly of the water front boundary line, as established by an Act entitled an Act to provide for the disposition of certain property of the State, approved March twenty-sixth,

Where wharves shall commence.

How far extend.

Uniform width.

Restrictions

eighteen hundred and fifty-one. And all the space inside or westerly of the said line between Market and Clay streets, heretofore laid out and designated on the official map of the city as a public street, and heretofore used as such, and the space between Jackson and Pacific streets, and between the easterly line of the water lots or private property, as already granted and disposed of by the State or city, and the westerly line of the street as herein defined and established, are hereby reserved and dedicated, and shall forever continue open to common public use as a street or thoroughfare. The Commissioners shall within one year after the passage of this Act make out and file with the Surveyor of the City and County of San Francisco, an accurate plot of survey, showing the location and lines of the streets along the water front, as the same are extended, established, and defined in this Act.

SEC. 9. Section eleven of said Act is hereby amended so as to read as follows:

Commissioners to fix tolls.

Section 11. The Commissioners shall, from time to time, fix the rates of tolls, wharfage, and dockage, (which wharfage shall not at any time exceed twenty cents per ton on merchandise landed on or shipped from the wharves, and not less than ten cents on any load less than half a ton carried on or off the wharves by any vehicle at any one time, and not otherwise charged with wharfage, and which dockage shall neither be

Amount to be raised.

increased nor diminished more than twenty-five per cent from present rates,) to be collected, keeping in view that no more money is to be raised therefrom than is necessary, with the amount of money derived from the rental of wharves and other works, to keep the wharves, piers, landing places, and thoroughfares, in good repair, to construct such new wharves, piers, landing places, thoroughfares, and other works, as the convenience of commerce and protection of the harbor may require, and to protect and dredge the docks and quays. The rates of tolls, wharfage, and dockage, fixed as provided in this section, shall be subject to revision by the Legislature; *provided*, that all tolls, wharfage, and dockage charges by this Act authorized and re-

In gold and silver coin.

quired to be collected, shall be due and collectable exclusively in gold and silver money of the United States; and the wages of all laborers employed by the Commissioners on any public works under their charge or otherwise, in the execution of their powers and duties under the provisions of this Act, shall be deemed to be payable in gold and silver coin, unless otherwise specially agreed. No greater amount of money shall, in the main, ever be raised by the collection of tolls, rents, wharfage, and dockage, than is necessary to keep the sea walls, embankments, wharves, piers, landing places, and thoroughfares, in good repair, construct new ones, dredge and protect the harbor, docks, and quays, and pay the incidental expenses connected therewith. No tolls shall ever be collected of pedestrians, or upon

Wharfage to be a lien.

any baggage or package they may carry. The charge of wharfage is hereby made a lien upon any goods, wares, or merchandise, landed upon any of the wharves, piers, or landings, in the City and County of San Francisco, and the Commissioners created under this Act, their Agents or lessees, are hereby author-

ized to hold possession of goods, wares, or merchandise, landed as aforesaid, as security for the payment of wharfage.

SEC. 10. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. No contract or obligation entered into by the Commissioners under this Act, which creates a liability or authorizes the payment of money, shall be valid and of binding force unless the same shall be signed by all three of said Commissioners, and countersigned by the Secretary of the Board; and no obligation or contract, of any kind whatsoever, involving an expenditure of money, shall ever be entered into or contracted by the Commissioners unless there is money in the Wharf and Dock Fund or Harbor Protection Fund sufficient to pay the same; *provided*, that the Commissioners shall have power, whenever they find it necessary in order to provide for the construction or repair of any work deemed necessary for the convenience of commerce, and authorized by this Act, to pledge the revenue of such work for and during a period not exceeding three years from the date of such contract.

All three Commissioners to sign contract.

SEC. 11. Section twenty of said Act is hereby amended so as to read as follows:

Section 20. No person or company shall, after the Commissioners elected under this Act shall have been commissioned as herein provided, collect any tolls, wharfage, or dockage, or land, ship, or remove any goods, wares, or merchandise, or other thing upon or from any portion of the said water front of said City and County of San Francisco, or from or upon any of the wharves, piers, or landing places placed under the control of said Commissioners by this Act, unless authorized so to do by the said Commissioners. Nor shall any person or persons place or cause to be placed any obstructions in the said harbor, or on or upon the said piers, wharves, or landing places, to the detriment of the harbor, or of the revenues created by this Act. Any person violating or offending against the prohibition in this section contained shall be deemed guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail of the City and County of San Francisco not exceeding six months, or by both such fine and imprisonment.

No person except Commissioners to collect tolls.

No obstructions.

SEC. 12. Section seventeen of said Act is hereby amended so as to read as follows:

Section 17. The salary of each Commissioner shall be two hundred and fifty dollars per month. The salary of the Secretary shall be two hundred dollars per month. The said salaries shall be payable monthly, out of any moneys collected under this Act.

Salaries.

SEC. 13. Nothing in this Act shall affect the duration of the terms of office of the present Board of State Harbor Commissioners, but the present incumbents shall hold their said offices for the term or terms for which they have been elected.

SEC. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 15. This Act shall take effect from and after its passage.

CHAP. CL.—*An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge and build a Road across Butte Creek Slough.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to construct bridge granted.

SECTION 1. To the County of Sutter is hereby granted the right and privilege of constructing and keeping, across Butte Creek Slough, a bridge and road for public use, commencing at high water mark on the road leading from Marysville to Colusa, and extending along said road to the line between the Counties of Sutter and Colusa, and known as Maze's Crossing.

How to be constructed.

SEC. 2. The said bridge shall have a single track of sufficient width and capacity for the accommodation of the public, and shall be constructed in a good and substantial manner, of durable material, and when completed shall at all times be kept in passable order, and the county shall be responsible for any damages arising to persons or property crossing said bridge, caused by reason of defective construction or neglect in keeping the bridge in proper repair and condition. The road leading from high water mark to said bridge, and from said bridge to the said county line, shall be built in a good and substantial manner, and be of sufficient height to be passable all seasons of the year.

Shall advertise for proposals.

SEC. 3. Within sixty days after the passage of this Act the Board of Supervisors shall advertise in one daily newspaper published in the City of Marysville, for twenty days next thereafter, for plans and specifications for the construction of said bridge and road, and shall, within twenty days after the expiration of said advertisement, adopt some plan for said bridge and road, and immediately thereafter make public advertisement in one or more newspapers published in the City of Marysville, for thirty days, that they will receive proposals for the construction of said bridge and road, in accordance with the plans and specifications adopted, and that they will award the contract to the lowest bidder who will give good and sufficient security for the completion of any contract which he may make respecting the same; *provided*, the Board may reject any and all bids, and advertise again.

Have right to collect tolls.

SEC. 4. Upon the erection of said bridge and the completion of said road, the Board of Supervisors are hereby authorized to charge and collect such rates of toll as they may fix from time to time, by the action of said Board, until the sum arising therefrom over and above the cost of collecting the same shall amount to a sum sufficient to pay all cost and expenses of constructing said bridge and road, after which time said bridge and road shall be free for the crossing of all persons and property; *provided*, that the Board of Supervisors may from time to time, if they deem proper, charge and collect toll until the amount so collected will be sufficient to pay for repairs of any damage that the said bridge and road may have sustained from wear and use, or from floods or otherwise.

SEC. 5. The said Board of Supervisors shall appoint some suitable person to collect and receive the toll charged for crossing said bridge and road, and shall require from such person so appointed a bond for the faithful performance of his duties in a sum not less than one thousand dollars, to be approved by said Board. Appointment of person to receive tolls.

SEC. 6. It shall be the duty of the person so appointed to pay over to the County Treasurer of said county, on Monday of each week, all moneys collected by him for tolls the preceding week, taking the Treasurer's receipt for the same, which receipt shall be filed immediately by him with the County Auditor of said county. The amount of each week's payment to the Treasurer, with the date thereof, shall be entered by the person making such payment in a book to be kept for that purpose, and at each regular meeting of the Board of Supervisors such person shall make oath that such entries contain a full, true, and accurate account of all moneys collected by him for or on account of toll or crossing said bridge and road. Shall make weekly settlement.

SEC. 7. The Treasurer of said county shall receive any and all moneys paid over to him under the provisions of this Act, and shall enter the same upon the books of his office to the credit of a Fund to be known as the "Butte Creek Bridge Fund," and shall disburse the same upon the warrants of the Auditor drawn on such Fund in the order of their presentation, and he shall receive one per cent of all money received, in payment for receiving and disbursing said money, Money to go to certain Fund.

SEC. 8. Upon the order of the Board of Supervisors, duly made and entered upon their minutes, the Auditor is hereby authorized to draw his warrant upon the County Treasurer of said county, payable out of the Butte Creek Bridge Fund, for the payment of any demand which may become due under the provisions of this Act, and such warrants, from the time of their presentation to the County Treasurer for payment until paid, shall bear interest at the rate of ten per cent per annum. Auditor to draw warrants.

SEC. 9. It shall be the duty of said County Treasurer to keep a register of said warrants in the order of their presentation for payment, and if there be no moneys in his hands belonging to said Fund, to indorse upon the back of each warrant the date of said presentation, and thereafter to pay the same in the order in which they are registered, as from time to time any moneys shall be paid over to him to the credit of said Fund. Treasurer to keep record of warrants.

SEC. 10. The Board of Supervisors of said county may regulate and determine the number of animals, the size and weight of loads or freight which shall at any one time be allowed to pass or be transported over said bridge, and may establish the rate of toll, and the speed to be observed in riding or driving over the same, which regulations shall be posted in some conspicuous place on said bridge. Supervisors may fix toll.

SEC. 11. Any person or persons violating such regulations may be prosecuted in any Court of competent jurisdiction, and upon conviction thereof may be fined in any sum not less than ten (10) dollars nor more than one hundred (100) dollars; *provided*, that the parties so violating such regulations shall be answerable to the county in any Court of competent jurisdiction for all damages sustained thereby. For violation of regulations.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CLI.—*An Act to appropriate Money to pay the Claim of George W. Gordon.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation to pay claim of G. W. Gordon.

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of George W. Gordon, for services rendered in collating certain laws, pursuant to a concurrent resolution passed May seventeenth, eighteen hundred and sixty-one; and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said George W. Gordon for the sum above appropriated, and the Treasurer is hereby authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLII.—*An Act to amend an Act amendatory of and supplemental to an Act entitled an Act to transfer certain Funds; passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Transfer of money from General Fund to Swamp Land Fund.

SECTION 1. Section second of an Act amendatory of and supplemental to an Act entitled an Act to transfer certain funds, passed January thirty-first, eighteen hundred and sixty-three, passed January ninth, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Section 2. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer to the Swamp Land Fund, from the General Fund of the State, the sum of fifty thousand dollars, out of the first moneys received into the General Fund of the State on or after the first Monday of January, one thousand eight hundred and sixty-five; and the Controller of State is further authorized and required to order the Treasurer of State to transfer to the Swamp Land Fund, from the General Fund of the State, the sum of fifty-seven thousand and seventy-nine dollars and eighty-eight cents, out of the first moneys received into the General Fund of the State on or

after the first Monday of July, one thousand eight hundred and sixty-five.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CLIII.—*An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, April fourteenth, eighteen hundred and fifty-three, and also to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, approved April thirtieth, eighteen hundred and fifty-five.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of each of said Acts is amended so as to read as follows:

Section 1. Corporations for manufacturing, mining, mechanical, mercantile, wharfing and docking, or chemical purposes, or for the purpose of engaging in any other species of trade, business, or commerce, foreign or domestic, may be formed according to the provisions of this Act; such corporations and the members thereof being subject to all the conditions and liabilities herein imposed, and to none others.

Corporations for manufacturing, mining, etc.

SEC. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

CHAP. CLIV.—*An Act to limit the time for the commencement of Civil Actions in certain cases.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In any action which shall be commenced more than one year after this Act takes effect for the recovery of real property situated in the City and County of San Francisco, or for the recovery of the possession thereof, or in which the title to such real property shall be tried or affected, none of the provisions of the Act entitled an Act concerning the City of San Francisco, and to ratify and confirm certain ordinances of the Common Council of said city, passed March eleventh, eighteen hundred and fifty-eight, and none of the provisions of either of the orders or ordinances therein recited or referred to, shall be deemed, construed, or have effect to give, confirm, or otherwise aid the right or title set up or claimed by any party, unless such party, his ancestor, predecessor, or grantor, shall have had

Limitation of actions for possession of real estate in San Francisco.

actual possession of the land in dispute within five years next before the commencement of such action, the time already elapsed when this Act takes effect to be included in the computation.

SEC. 2. The provisions of this Act shall not have the effect to prolong the time now prescribed by law for the commencement of any action referred to in the preceding section.

CHAP. CLV.—*An Act to repeal an Act entitled an Act to organize Townships and regulate their powers and duties, and submit the same to a vote of the People, so far as the same relates to Mendocino County, and to legalize the election of certain officers therein.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Township Act repealed so far as applies to Mendocino County.

SECTION 1. An Act entitled an Act to organize townships and regulate their powers and duties, and submit the same to a vote of the people, approved May the fifteenth, one thousand eight hundred and sixty-two, and all Acts amendatory or supplementary thereto, so far as the same relate to Mendocino County, are hereby repealed, except for the purposes hereinafter mentioned.

Term of township officers.

SEC. 2. All Justices of the Peace and Constables in Mendocino County, who were elected and qualified under and by virtue of the aforesaid township law, shall be entitled to hold their offices during the term for which they may have been elected.

CHAP. CLVI.—*An Act to fix the Salary of the County Superintendent of Public Schools in Solano County.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary.

SECTION 1. From and after the first Monday in March, A. D. one thousand eight hundred and sixty-four, the County Superintendent of Public Schools in Solano County shall receive for his salary, annually, the sum of six hundred dollars, payable quarterly; and the County Auditor of said county is hereby authorized and required to draw his warrant, quarterly, on the County Treasurer for the payment of said salary.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, A. D. one thousand eight hundred and sixty-four, and all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

CHAP. CLVII.—*An Act making an Appropriation for a deficiency in the Appropriations made for the Fourteenth Fiscal Year, ending on the thirtieth day of June, one thousand eight hundred and sixty-three.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twelve hundred and seventy dollars and forty-four cents is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to meet the deficiencies in salaries and other expenses in the office of Inspectors of Stamps for the fourteenth fiscal year, ending June thirtieth, one thousand eight hundred and sixty-three. Appropriation.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CLVIII.—*An Act concerning Roads and Highways.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act concerning roads and highways in the County of Mariposa, approved April tenth, eighteen hundred and sixty-two, and the Acts amendatory thereof, are hereby repealed; and the Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, and the Acts amendatory thereof, so far as the same are not inconsistent with the provisions of this Act, are hereby revived and extended to the County of Mariposa. Act repealed. Act revived.

SEC. 2. The present Road Masters of said county shall hold their offices until the first day of January, A. D. eighteen hundred and sixty-five, and shall make no collection of moneys for road purposes, but shall perform the duties, and none other, as prescribed in the Act herein revived, and act strictly in compliance therewith. Upon the general election in the year eighteen hundred and sixty-four, the qualified electors in each Road District shall elect some citizen of said Road District as Road Master of the same, who shall take office on the first day of January, and hold the same for one year; and at the general election in the year eighteen hundred and sixty-five, and at the general election every two years thereafter, the qualified electors in each Road District shall elect some citizen thereof as Road Master of the same, to hold office for the term of two years from the first day of January subsequent to his election; and the Clerk of the Board of Supervisors shall, within ten days after his election is declared by said Board, notify the person so elected of his election, and he shall, before entering upon Road Masters' duty and term of office.

his office, qualify by taking an oath as prescribed in the Act herein revived.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CLIX.—*An Act to provide for and define the manner of Collecting a Tax to build a School-house in "Court-house District," Sonoma County.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

School tax legalized.

SECTION 1. The tax of four thousand dollars voted by the citizens of "Court-house District," in the County of Sonoma, for the purpose of purchasing suitable grounds, and building thereon a School-house for said district, is hereby declared valid and legal, and the Trustees of said district are authorized and required to collect the said tax in the manner prescribed in this Act, and apply the same to the purchase of suitable grounds and the erection of a School-house for the use and benefit of said district.

Tax, when due.

SEC. 2. Fifty per cent of said tax shall be due and payable between the first day of April and the first day of June, eighteen hundred and sixty-four, and fifty per cent thereof between the first day of December, eighteen hundred and sixty-four, and the first day of February, eighteen hundred and sixty-five.

Delinquent, how collected.

SEC. 3. If any portion of said tax shall be due and unpaid at the periods in the last preceding section of this Act mentioned, the same shall be collected in the manner prescribed by law for the collection of delinquent State and county taxes.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CLX.—*An Act more effectually to limit the time for the presentation and allowance of Claims against Counties.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limitation of claims against counties.

SECTION 1. No unaudited claim or demand of whatsoever description shall hereafter be approved, allowed, or paid out of any County Treasury, or out of any public funds of any county, unless such claim or demand be duly presented to and be duly audited and allowed by the proper auditing officer, Board, or authority, within one year after such claim or demand shall accrue or become due and payable; or in case such claim or demand shall be improperly rejected by such auditing officers or

authority, unless suit be commenced within three months thereafter in the proper Court, and be successfully prosecuted, to enforce the allowance and payment of such reputed claim. All claims and demands not presented and allowed, or for the enforcement of which suits shall not be commenced and successfully prosecuted as aforesaid, shall be forever barred and extinguished; *provided*, that nothing in this Act shall be deemed or have effect to give a right of action to enforce the allowance or payment of any claim where such right of action does not exist by virtue of the laws now in force, nor to have any claim which shall be presented to the proper auditing officers within one year after the passage of this Act and be allowed, or in case of rejection be sued for, as in this Act provided. Suits for claims.

SEC. 2. If any claim or demand which is barred by the provisions of the preceding section shall hereafter be paid out of any County Treasury, or out of any public funds of any county, each and every officer, including each Supervisor, who shall have approved or allowed the same by his official action, shall be jointly and severally liable for the amount thereof, and the same may be recovered by action, to be commenced and prosecuted in the name of the proper county; *provided*, that in such action but one satisfaction shall be recovered. Penalty of Supervisors

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CHAP. CLXI.—*An Act to appropriate Money to pay the Claim of Benjamin P. Avery.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred and twenty-six dollars and sixty-two cents is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claim of Benjamin P. Avery for printing the regulations for the first annual encampment of the Second Brigade, California Militia; and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State in favor of Benjamin P. Avery for the sum of two hundred and twenty-six dollars and sixty-two cents, and the Treasurer is authorized to pay the same. Appropriation.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CLXII.—*An Act to provide for the transfer of certain Funds belonging to the City and County of San Francisco.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Transfer of moneys for benefit of School Fund.

SECTION 1. The Treasurer of the City and County of San Francisco is hereby authorized and required to transfer the sum of sixty thousand dollars from the General Fund to the School Fund of said city and county, to be used for the purchase of lots and the erection of School-houses at such points within the limits of said city and county as may be selected by the Board of Education. The amount so transferred shall be drawn upon in the manner provided by law for the payment of demands upon the School Fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CLXIII.—*An Act to define the legal Distances from the County Seat of Lake County to Capitol, Lunatic Asylum, and State Prison.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legal distances.

SECTION 1. The distances established by this Act shall be and the same are hereby declared to be the legal distances for which mileage shall be allowed to the Capitol at Sacramento:

First—For County Treasurer settling his accounts.

Second—For carrying the insane to the Asylum at Stockton.

Third—To Sheriff for transporting prisoners to the State Prison at San Quentin.

SEC. 2. From the county seat of Lake County to Sacramento, one hundred and twenty miles; to Stockton, one hundred and sixty-five miles; to San Quentin, one hundred and thirty-five miles.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXIV.—*An Act to grant to certain parties herein named the right to construct and maintain a Turnpike or Toll Road from the Town of Sonora, in Tuolumne County, to the State Line in Mono County.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. B. W. Hathaway, T. J. Keys, James Allen, Wm. M. Lent, Timothy Paige, A. G. Bradbury, D. M. Kenfield, Geo. Wright, J. B. Douglass, N. G. French, their associates and assigns, are hereby authorized and empowered to construct and maintain a turnpike or wagon road from the Town of Sonora, in the County of Tuolumne, to the East Walker, at a point near Bridgeport, in Mono County, or to the State line, as the parties herein named may elect; and said company shall have the right of way, and may enter upon and occupy any public or private lands necessary to the location or construction of said road, and to take and use any timber, rock, earth, gravel, or any other material necessary to the construction and repair thereof, under the rights conferred and restrictions imposed upon railroad companies, approved May twentieth, one thousand eight hundred and sixty-one; and are also, by the provisions of this Act, authorized and empowered to run and locate said road upon the line run by the Engineers under an Act, approved March thirty-first, one thousand eight hundred and sixty-three, entitled an Act to provide for the construction of a wagon road from Sonora, Tuolumne County, to Aurora, Mono County, and to enter upon, finish, and use the same or so much thereof as they may deem advisable, for a term of twenty years from and after the passage of this Act. Road chartered. Privileges and restrictions.

SEC. 2. Said turnpike or wagon road shall be built in a good and substantial manner, the ascending and descending grades shall not exceed fourteen feet to the one hundred, with a roadway at least sixteen feet wide on all parts of said road where only timber, loose rocks, earth, or gravel are necessarily removed or used for filling in, and fifteen feet where blasting of rocks with powder is necessary to the excavation and construction of said road; but all bends and short turns shall be built with sufficient way room to allow two of any class of teams to pass each other without inconvenience, and without danger to life and limb. Width of road.

SEC. 3. The parties named in section one of this Act shall be in readiness to commence the construction of said road, and shall have engaged, on or before the first day of May next ensuing, and have at work at one or more points on the line of said road, at least twenty-five laborers hired and employed by said parties, with suitable tools and implements, and engaged in the building and construction of said road; and the said parties shall, on or before the first day of June next ensuing, do or cause to be done work or labor, or made other outlay for and necessary to the construction of said road, amounting in the aggregate to the sum of five thousand dollars in value; and it is further stipulated and provided, that the said parties shall $25,000 to be expended by June.

build, or cause to be built, on or before the first day of September next, one single wagon road track, constructed in a good and substantial manner, with suitable turnouts in plain view of each other; and it is also further stipulated and provided, that the parties aforesaid shall build and complete said wagon road on or

When to be completed.

before the first day of October, Anno Domini one thousand eight hundred and sixty-five, in conformity with the provisions of section two of this Act; and in case the parties aforesaid shall fail to comply with any provision or condition contained in section three of this Act, the fact of their so failing shall work to the parties aforesaid a full and complete forfeiture of any and all rights, privileges, and benefits conferred on them by

Failure to work forfeiture.

any provisions contained in this Act; and the said turnpike or wagon road, with all the improvements thereon, shall revert to the Counties of Tuolumne, San Joaquin, Stanislaus, and Mono, who shall build or cause to be built the said road in the form and manner hereinafter provided.

Right to collect tolls.

SEC. 4. In consideration of the construction of said road, and upon the further condition of keeping the same in good repair, the said parties shall have the exclusive right to erect toll gates, to demand and collect tolls thereon in such sums of money as they shall see fit, not to exceed the following rates, to wit:

Rates of toll.

For a horse or mule and rider, three dollars;

Stage, or any vehicle for carrying passengers, with two animals, six dollars; and one dollar and fifty cents for each additional animal;

One loaded wagon or vehicle, with two horses, or two mules, or one yoke of cattle attached, six dollars; and for every additional animal, one dollar and fifty cents each; when attached to empty wagons, half rates;

For any pleasure carriage, buggy, gig, or other vehicle, five dollars;

For each animal, or each loaded pack animal, two dollars; without loads, half rates;

For loose horses, mules, or cattle, fifty cents each;

For sheep, goats, or swine, twenty-five cents each.

Supervisors to fix toll after ten years.

The above rates of toll may be continued for the term of ten years from the passage of this Act, after which they shall be fixed by the Supervisors of Tuolumne County, subject to the approval of the Supervisors of the Counties of San Joaquin, Stanislaus, and Mono; and it is further provided, that said parties may, on completion of said single track wagon road, in conformity with the provisions contained in section three of this Act, charge half rates of toll on all animals attached to loaded

Tolls upon completion of single wagon road.

or empty wagons, also, on all loaded or unloaded pack animals, and full rates of toll on all carriages, buggies, and other vehicles, and loose stock of every description; and may, also, on completion of any section of said road of the length of forty miles,

Tolls in proportion to miles constructed.

charge tolls equal in amount to the ratio the said forty miles may bear to the whole length of said road when fully completed.

Duty of Supervisors.

SEC. 5. It shall be and is by this Act made the duty of the Supervisors of Tuolumne County, on and after the twenty-eighth day of April next ensuing, to make free and full inquiry into every preparation and provision made by the parties named

in section one of this Act, for building and constructing said turnpike or wagon road, and shall immediately and at any time, upon being fully satisfied that any provision or condition named and made in section three of this Act has not been complied with, notify the Supervisors of the Counties of San Joaquin, Stanislaus, and Mono, to meet said Supervisors within ten days from the date of the notice at Knight's Ferry, the county seat of Stanislaus County, and at said meeting said Supervisors may attend either in person or be represented by a Deputy or Deputies, and in the transaction of all business the Counties of Tuolumne and San Joaquin shall have two votes each, and the Counties of Mono and Stanislaus one vote each, to be cast in the mode and manner that the Supervisors or their Deputies so meeting, or a majority of them, shall agree upon; and said Supervisors of the Counties of Tuolumne, Stanislaus, San Joaquin, and Mono, so represented, shall have full powers to declare all rights, privileges, and benefits granted to said parties named in section one of this Act forfeited, and the road vacant; and said Supervisors shall have full power to let and grant a franchise on the line of said proposed turnpike and wagon road, for a term not to exceed twenty years, to such person or persons upon such terms and conditions as shall seem to them most favorable to and promotive of the interests of the people of said counties. Said Supervisors may advertise for bids for a term not to exceed three weeks in one newspaper in each of the Counties of San Francisco, Tuolumne, and San Joaquin; and in the letting or granting of said franchise to any party or parties, they may require such good and sufficient bonds, to be filed in the office of the County Clerk of Stanislaus County, as they may deem wise and proper, for the faithful performance of all the covenants and conditions which the recipients or grantees of said franchise may covenant and agree to.

Supervisors' right to grant franchise.

SEC. 6. An Act entitled an Act to provide for the construction of a wagon road from Sonora, Tuolumne County, to Aurora, Mono County, passed March thirty-first, eighteen hundred and sixty-three, is hereby repealed; *provided*, that this repeal shall not affect any contracts, or the validity of any bonds issued or provided to be issued, or the acts of any officers mentioned and referred to in said Act.

Repealing clause.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. CLXV.—*An Act to extend the time to construct a Toll Bridge across Feather River, near Oroville, in Butte County.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of section two of an Act entitled an Act to grant the right to construct a toll bridge across Feather River, near Oroville, in Butte County, approved April twenty-

Time extended to build bridge.

fifth, eighteen hundred and sixty-three, so far as the same relates to the commencement and completion of the toll bridge across Feather River, are hereby extended.

For two years.

SEC. 2. J. M. Clark, J. M. Brock, George K. Hendell, George Swift, Daniel Evans, and their associates, shall commence said toll bridge within one year and shall complete the same within two years from the passage of this Act.

Shall not invalidate.

SEC. 3. This Act shall not in any respect invalidate any of the powers or privileges granted in said Act of April twenty-fifth, eighteen hundred and sixty-three, but the same shall remain in full force and effect, except as herein provided.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CLXVI.—*An Act to fix the salary of the Superintendent of Public Schools of Mendocino County.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pay of Superintendent of Public Schools.

SECTION 1. The County Superintendent of Public Schools of Mendocino County shall receive for his official services a compensation of six hundred dollars per annum, to be audited and paid in the same manner as the salary of County Judge is audited and paid.

SEC. 2. All Acts and parts of Acts, so far as they conflict with section one of this Act, are repealed.

SEC. 3. This Act shall take effect and be in force from and after the seventh day of March, A. D. eighteen hundred and sixty-four.

CHAP. CLXVII.—*An Act to amend an Act entitled an Act to provide for the formation of Corporations for the accumulation and investment of Funds and Savings, passed April eleventh, eighteen hundred and sixty-two.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Shall be a body corporate.

Section 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and such persons as may thereafter become their associates or successors, shall be a body politic and corporate, and by their corporate name, have succession for the period limited, and power:

First—To sue and be sued in any Court.

Second—To make and use a common seal, and to alter the same at pleasure. Powers.

Third—To purchase, hold, sell, convey, and release from trust or mortgage such real or personal estate as hereinafter provided in this Act.

Fourth—To appoint such officers, agents, and servants, as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation, and to require of them such security as may be thought proper for the fulfilment of their duties.

Fifth—To loan and invest the funds of the corporation, to receive deposits of money, and to loan and invest the same; to collect the same, with interest, and to repay such deposits, without interest, or with so much of the earnings and interest as the by-laws of the corporation may provide.

Sixth—To make by-laws, not inconsistent with the laws of this State, for the organization of the company and the management of its property, the regulation of its affairs, the conditions on which deposits shall be received, the time and manner of dividing the profits, and the time and manner in which any person may become or may cease to be a member of the corporation, and for carrying on all kinds of business within the objects and purposes of the company. Government of same.

SEC. 2. Section five of said Act is hereby amended so as to read as follows:

Section 5. No corporation formed under this Act shall loan any money without adequate security on real and personal property, except when any such corporation shall, by a by-law to that effect, adopted by a two thirds vote of all the stock of the company subscribed and taken, authorize the making of loans to persons of reputed solvency, when ordered by a vote of not less than three fourths of all the Directors thereof; *provided*, that this exception shall apply only to corporations having a capital stock or Reserved Fund, or both capital stock and Reserved Fund, paid in, of not less than three hundred thousand dollars; and no deposits shall be loaned or invested for a period exceeding six years. How loans shall be made.

SEC. 3. Section thirteen of said Act is hereby amended so as to read as follows:

Section 13. The real and personal estate which it shall be lawful for any such corporation to purchase, hold, and convey, shall be: Purchase of real estate.

First—The lot and building in which the business of the company may be carried on; *provided*, that the cost of the same shall not exceed one hundred thousand dollars.

Second—Such as shall have been mortgaged or pledged to it, or conveyed in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

Third—Such as shall have been purchased at sales under pledges, mortgages, or deeds of trust made for its benefit, or upon judgments or decrees obtained or rendered for money so loaned.

And the said corporation shall not purchase, hold, or convey real estate in any other case or for any other purpose, and all such real estate as is described in the second and third subdivi- Restricted in purchases as provided above.

sions of this section shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandise whatever, except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business, and except bonds, securities, or evidences of indebtedness, public or private, gold and silver bullion, and United States Mint certificates of ascertained value, and evidences of debt issued by the United States; *provided*, that no corporation formed under the Act to which this is amendatory shall have authority to purchase, hold, or convey bonds, securities, or evidences of indebtedness, public or private, unless such corporation has a capital stock or Reserved Fund, or both capital stock and Reserved Fund, paid in, of not less than three hundred thousand dollars.

SEC. 4. Section fourteen of said Act is hereby amended so as to read as follows:

Married women may hold stock.

Section 14. Any married woman, being a member or holding stock in her own name in any company formed under this Act, may cast her own vote, and appoint her own proxy to vote for her. Whenever any stock or deposits are held by any person as Executor, Administrator, Trustee, or Guardian, he shall represent such stocks or deposits, and may vote accordingly.

CHAP. CLXVIII.—*An Act to extend the time for the completion of the Big Tree and Carson Valley Turnpike Road.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended for completion of road.

SECTION 1. The Big Tree and Carson Valley Turnpike Company is hereby granted until the third day of April, A. D. eighteen hundred and sixty-six, to construct and complete their road from the Big Tree Grove, in Calaveras County, to the eastern boundary of California; and all the rights, franchises, and privileges heretofore granted to or acquired by said company, by an Act of the Legislature of this State, approved April third, eighteen hundred and sixty-two, are hereby extended to the third day of April, eighteen hundred and sixty-six; and all other rights, franchises, and privileges, acquired by said company shall not in any manner be impaired or invalidated by reason of this extension.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXIX.—*An Act concerning the Salary and Fees of the Coroner of the City and County of San Francisco.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary to be allowed and paid to the Coroner of the City and County of San Francisco shall be two thousand dollars per annum. Salary $2,000 per annum.

SEC. 2. Said Coroner shall also receive for such chemical analysis as may be deemed necessary by him, in the proper fulfilment of his duties, such sums, not exceeding fifty dollars for analysis made in any one month, as shall be certified by the chemist or chemists making such analysis to be a reasonable charge, and he shall likewise receive for the interment of deceased persons payment at the same rate, each, as is allowed for the interment of deceased Hospital patients in said city and county, not to exceed ten dollars for each interment made by him. Additional fees.

SEC. 3. The compensation allowed by this Act shall be paid out of the General Fund, and shall be audited and paid in the same manner as the salaries of officers for the said city and county; *provided*, that the said Coroner shall make oath that he has received no compensation for any of the items in his demand, and also that the analysis charged in his demand, if any, have been made as charged therein, and that the same were necessary to the proper discharge of the duties of his office; and that the interments charged in his demand, if any, have been made by him, and that the bodies interred were proper subjects for burial by the Coroner. Payable out of General Fund. Restrictions.

SEC. 4. An Act entitled an Act concerning the salary and fees of the Coroner of the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-two, is hereby repealed. Repealing clause.

SEC. 5. This Act shall not affect the salary of the present incumbent during the term for which he is elected.

CHAP. CLXX.—*An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said City and County, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is amended so as to read as follows:

Section 2. The Board of Education shall have sole power:

Power of Board of Education.

First—To establish and maintain Public Schools, and to establish School Districts, and to fix and alter the boundaries thereof.

Second—To establish Experimental and Normal Schools, either separately or in connection with the State Normal School.

Third—To employ and dismiss Teachers, Janitors, and School Census Marshals, and to fix, alter, allow, and order paid, their salaries or compensations; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board; and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

To regulate Schools.

Fourth—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of Public Schools within the said city and county, the pupils therein, and the Teachers thereof, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of Schools, and determine what text books, course of study, and mode of instruction shall be used in said Schools.

Limit of expenditures.

Fifth—To provide for the School Department of said city and county, fuel, lights, water, blanks, blank books, books, printing, stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in the Schools or in the office of the Superintendent, and to incur incidental expenses not exceeding twenty-five hundred dollars per annum.

To build or rent.

Sixth—To build, alter, repair, rent, and provide School-houses, and furnish them with proper School furniture, apparatus, and School appliances, and to insure any and all School property.

Seventh—To lease, for a term not exceeding ten years, any unoccupied property of the School Department not required for School purposes.

To hold property in trust.

Eighth—To receive, purchase, lease, and hold in fee, in trust for the City and County of San Francisco, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the Public Schools of said city and county; *provided*, the lots to be purchased under the provisions of this section do not exceed ten in number; and all conveyances heretofore made to the said Board of Education are hereby legalized

and declared valid, and the property therein conveyed vested in said Board in trust as aforesaid.

Ninth—To sell or exchange the following lots of land, or any part thereof, situate in the City and County of San Francisco, to wit: Fifty vara lot number four hundred and sixty-two, on the corner of Filbert and Kearny streets; fifty vara lot number seven hundred and thirty-two, on the corner of Harrison and Fremont streets; one half of one hundred vara lot number one hundred and twenty-eight, corner of Market and Fifth streets; one hundred vara lot number one hundred and seventy-four, corner of Harrison and Fourth streets; fifty vara lot number six hundred and sixty-three, corner of Taylor and Vallejo streets; and the lots, or any portion thereof, which were set aside for School purposes by the Commissioners appointed by the Van Ness Ordinance, ratified and confirmed by the Legislature by an Act entitled an Act concerning the City of San Francisco, and to ratify and confirm certain ordinances of the Common Council of said city, approved March eleventh, eighteen hundred and fifty-eight, and good and valid deeds therefor to make and execute; *provided*, that no real estate shall be sold or exchanged without the consent of seven members of the Board of Education, and seven members of the Board of Supervisors, of said city and county; and, *provided*, further, that the proceeds of such sales shall be applied exclusively to the purchase of other lots or the erection of School-houses.

To sell or exchange certain lots.

Restrictions.

Tenth—To grade, fence, and improve School lots, and in front thereof to grade, sewer, plank, or pave, and repair streets, and to construct and repair sidewalks.

Grade and improve School lots.

Eleventh—To sue for any and all lots, lands, and property belonging to or claimed by the said School Department, and to prosecute and defend all actions, at law or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay Counsel in such cases; *provided*, the amount of fees paid to such Counsel shall not exceed one thousand dollars in any one year; and further, to do any and all lawful acts necessary thereto.

May sue and employ Counsel.

Twelfth—To determine, annually, the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by tax upon the real and personal property within the said city and county, not exempt from taxation, for the establishment and support of Free Public Schools therein, and for carrying into effect all the provisions of law regarding Public Schools; and the amount so determined by the said Board of Education shall be reported in writing to the Board of Supervisors of said city and county on or before the third Monday of April of each year; and the said Board of Supervisors are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying State and other city and county taxes, the amount of taxation so determined and reported to them by the said Board of Education, as a School tax upon all taxable property of said city and county; and said tax shall be in addition to all other amounts levied for State and city and county purposes.

Shall determine amount of taxes.

Report to Supervisors.

Thirteenth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Shall establish regulations.

Fourteenth—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be sole judge.

Fifteenth—To discharge all legal incumbrances now existing upon any School property.

Rooms for Superintendent.

Sixteenth—To order paid from the School Fund of the said city and county, a sum not exceeding one hundred dollars per month, until the first day of July, eighteen hundred and sixty-four, and no longer, for rent of an office and rooms for the Superintendent and said Board, and a further sum, not exceeding five hundred dollars, to fit up such office and rooms.

Seventeenth—To prohibit any child under six years of age from attending the Public Schools.

Eighteenth—And, generally, to do and perform such other Acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

SEC. 2. Section five shall be amended so as to read as follows:

Contracts.

Section 5. Before giving out any contract or incurring any liability to mechanics or laborers, or for expenditures authorized by section two, subdivisions three, five, and six, respectively, to any amount exceeding two hundred dollars, the Board of Education shall cause notice to be published for five days, inviting sealed proposals for the object contemplated. All proposals offered shall be delivered to the Superintendent of Public Schools, and said Board shall, in open session, open, examine, and publicly declare the same, and award the contract to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also, the bid of any party who may have proved delinquent or unfaithful in any former contract with said city and county or said Board, and cause a republication of the notice for proposals as above specified.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXI.—*An Act supplemental to an Act entitled an Act to authorize the Payment of the Claim of John T. Diossy, for collating and compiling the Revenue Laws of this State, approved March second, eighteen hundred and sixty-four.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriating money.

SECTION 1. The sum of fifty dollars is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim allowed by the Act to which this Act is supplementary, and said Act is hereby exempted from the provisions of an Act creating a Board of Examiners.

SEC. 2. This Act shall take effect immediately.

CHAP. CLXXII.—*An Act to amend an Act entitled an Act to provide for the Funding of the Indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. In addition to the ordinary taxes for general county purposes, there shall, this year, and annually thereafter until the principal and interest of the said bonds to be issued shall be fully provided for by payment or otherwise as hereinafter provided, be levied and collected in the same manner with the ordinary revenues of said county, and by the same officers, a special tax, to be called the "Interest Tax," of not less than twenty nor more than sixty cents on each one hundred dollars of taxable property, which tax shall be collected and paid over into the County Treasury in the legal currency of the State of California. The Fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for; *provided*, however, that should such Fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Special tax shall be levied.

Surplus.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXIII.—*An Act to amend an Act entitled an Act to incorporate the Town of Eureka, Humboldt County, approved April ninth, eighteen hundred and fifty-nine.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of said Act is hereby amended so as to read as follows:

Section 10. The Board of Trustees shall have power:

First—To make by-laws and ordinances not in conflict with the Constitution and laws of the United States or of this State; to prevent and abate nuisances; to suppress vagrancy, and to prohibit disorderly conduct; to provide for licensing theatrical and other amusements, lawful games, and bars at which spirituous liquors are sold in said town; to provide for licensing any and all business not prohibited by law, and to apportion such licenses according to the amount of business transacted, and to act as a Board of Equalization of Assessments.

Powers of Board of Trustees.

Second—To open, construct, grade, and repair streets, alleys, lanes, public places, wharves, and bridges, and to authorize the

Streets, etc.

same to be done; to regulate the rates of wharfage and toll, and to provide for the preservation of all commons and burial grounds belonging to the town.

Sidewalks, etc.

Third—To regulate, construct, and repair sidewalks, or cause the same to be done at the expense of the owners of land adjacent thereto, and to remove from the streets, wharves, alleys, lanes, and public places, all trees, standing or fallen, logs, stumps, and all other obstructions at the expense of the owners of the adjacent lands, or otherwise, as may be deemed just and proper.

Regulation of markets, etc.

Fourth—To establish and regulate markets, and to improve the squares and commons belonging to the town for the health and benefit of the inhabitants; to construct and keep in repair pumps, aqueducts, reservoirs, and other works necessary for supplying the town with pure and wholesome water, and protecting it from fires.

Fines.

Fifth—To impose fines, penalties, and forfeitures for breaches of ordinances, and to appropriate the proceeds thereof; *provided*, that no fine be imposed exceeding two hundred dollars for any one breach of an ordinance, and no offender be imprisoned longer than two months for any one offence.

Taxes.

Sixth—To levy and collect, annually, a poll tax, not exceeding one dollar per capita for each male inhabitant of the town of twenty-one years of age and upwards, and a property tax, not exceeding one per cent upon the assessed value of all real and personal estate within the town subject to taxation.

Impounding

Seventh—To pass ordinances for impounding and selling cattle, hogs, or goats, found running at large within the corporate limits.

Eighth—To establish by ordinance Police and Fire Departments, and to make such regulations as they may deem necessary to protect the town from injury by fire.

Vacancies in offices.

Ninth—To fill by appointment any vacancy that may occur in said Board, or in the office of any other town officer by death, resignation, removal, failure to qualify, or other cause; *provided*, that if at any one time the number of vacancies from any cause shall leave the Board of Trustees without a quorum, the remaining Trustees, or Trustee, shall order a special election to fill such vacancies, and give like notice thereof as is required to be given for the regular annual election of officers of said town.

May hold and sell real estate.

Tenth—To take and hold any real or personal estate given, granted, sold, or derived to said town, for the common benefit of the inhabitants thereof, and to sell, lease, or dispose of the same; *provided*, that all sales, leases, franchises, or privileges, shall be made by public auction, after ten days notice thereof, posted in three of the most public places in said town, and published in a newspaper in said town, if any be published therein, at least one insertion. And all deeds, leases, or grants, made by said town shall be signed by the President and Clerk of the Board.

Town officers.

Eleventh—To provide by ordinance for the election of a Town Recorder, and for the election or appointment of such other officers as may be necessary, and to define their powers and prescribe their duties; they shall also prescribe the duties and fix the compensation of all town officers, except as herein otherwise provided.

CHAP. CLXXIV.—*An Act to create a Board of Commissioners in the County of Tulare, to define their Powers and Duties, and to appropriate Money for the purposes thereof.*

[Approved March 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Commissioners created to open channel.

SECTION 1. A Board of Commissioners is hereby created in the County of Tulare, consisting of John M. Browne, George E. Long, and William R. Owen, who shall have power and they are by this Act authorized to open the old channel of the Kawiah River where practicable, and otherwise to cut a new channel therefor, through townships number eighteen south, in ranges twenty-five, twenty-six, and twenty-seven, Mount Diablo base and meridian, from any point they may select near the foot hills of the Sierra Nevada Mountains to the most practicable point near the Town of Visalia, east or west therefrom.

May make contracts.

SEC. 2. Said Board shall have power to contract for the whole or any part of the work contemplated in the preceding section, or personally superintend its execution; and all contracts connected therewith for the payment of money shall be deemed to have been made payable and shall be paid in gold and silver currency.

Shall make report to Supervisors

SEC. 3. Said Commissioners shall report once in every sixty days to the Board of Supervisors of Tulare County the amount of all moneys received by them, by donation or otherwise, as well as the amount by them expended, and such report shall be verified by the oath or affirmation of one of their number, and upon the completion of the work authorized in section one of this Act, shall submit, under oath or affirmation of the whole Board, a full, true, and perfect report, accompanied with vouchers, of all moneys received and expended, and pay over any balance (if any there be) in their hands, which balance shall be applied by the Board of Supervisors towards the construction of any bridge or bridges which may be rendered necessary by reason of the work aforesaid.

Shall execute bonds.

SEC. 4. Before entering upon the discharge of their duties, each Commissioner shall execute a bond in the sum of two thousand dollars, or the three may execute a joint and several bond in the sum of six thousand dollars, with two or more sufficient sureties, to be approved by the Board of Supervisors, conditioned for the faithful disbursement of all moneys which may come into their hands, and the discharge of all duties required by this Act. Said bond or bonds shall be made payable to the State of California, and when approved shall be filed in the office of the County Recorder of Tulare County. Actions may be maintained on said bond or bonds in the name of the People of the State of California, to and for the use and benefit of any person or persons sustaining injury by reason of any breach of conditions.

Appropriates money out of Swamp Land Fund.

SEC. 5. The sum of three thousand dollars is hereby appropriated, out of any money in the Swamp Land Fund not otherwise appropriated, to aid in carrying into effect the provisions

of section one of this Act; and upon presentation to the Controller of State a certificate of the Board of Supervisors of Tulare County, reciting the fact that said Commissioners are duly qualified to enter upon the discharge of their duties, together with a requisition signed by said Commissioners, the Controller is hereby authorized and required to draw his warrant on the Treasurer of State in favor of said Commissioners for the sum of three thousand dollars, and the Treasurer is hereby authorized and required to pay the same, as provided in the preceding part of this section; *provided*, said appropriation shall be considered as funds belonging to and expended for the benefit of any Swamp Land District which may be hereafter created in which the townships and ranges mentioned in section one of this Act are embraced.

Other money appropriated

SEC. 6. All moneys due or owing for Swamp Lands in the townships and ranges mentioned in section one, and which may be paid into the County Treasury of Tulare County within twelve months from the passage of this Act, is hereby appropriated for the like purpose mentioned in the preceding section, and upon the order of the Board of Supervisors, the County Treasurer of Tulare County shall pay the same to said Commissioners, whose receipt, together with said order, shall be a sufficient voucher to the Treasurer of State, and shall be counted as so much money paid into the Swamp Land Fund; and the Treasurer of State may enter a charge upon his books against said Fund upon such voucher, as so much money paid out of said Fund by virtue of the provisions of this Act.

Vacancies in Board.

SEC. 7. Should any vacancy or vacancies occur in said Board of Commissioners, the Board of Supervisors may fill the same by appointment, on the recommendation of the remaining Commissioner or Commissioners, and such new Commissioner or Commissioners shall qualify as provided in section four of this Act.

May sue.

SEC. 8. Said Commissioners may sue and be sued in their capacity of Commissioners as though they were a corporate body, and all judgments against or in their behalf shall be liquidated in gold and silver currency.

Restrictions.

SEC. 9. This Act shall not be so construed as to affect the vested rights of any person or persons to the waters of said Kawiah River for purposes of irrigation.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXV.—*An Act granting the right of way over certain lands in the Counties of Lake and Sonoma, for the construction of a Wagon Road.*

[Approved March 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise granted to build road.

SECTION 1. Geo. Shaul, Thomas Allison, Jesse Maxwell, and J. B. Robinson, are hereby authorized to take, have, possess,

and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they shall incorporate themselves under the general laws of this State regulating corporations, and shall adopt the name of "The Lakeport and Cloverdale Road Company," and comply with the further conditions hereinafter mentioned.

For term of twenty years.

SEC. 2. Said company, when incorporated, shall have full power to build and maintain a public toll road from Lakeport, in Lake County, to Cloverdale, in Sonoma County, to be located as said company may deem most practical, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities thereunto appertaining, for the term of twenty years from the completion of said road; *provided*, however, that nothing herein contained shall be construed so as to authorize said company to stop up, interfere with, use, or appropriate to their own use, the public highway or any portion thereof now travelled and used as a public road, between Lakeport and Cloverdale; and, *provided*, further, that nothing in this Act shall be held or construed so as to authorize said company to appropriate the lands or possession of any person or persons for said road without the consent of said person or persons, or without condemning the same in the same manner as is provided for condemning lands for railroad purposes.

Restrictions.

Time for building.

SEC. 3. Said company shall, within one year from the passage of this Act, commence and within two years complete said road; otherwise, the rights herein granted shall be forfeited. Said company shall, at all times after its completion, keep said road in good order, and shall be responsible for any damages arising to persons or property travelling said road, caused by neglect to keep said road in good order.

Supervisors to fix rate of tolls.

SEC. 4. Said company, after the completion of said road, shall have the right to charge and collect such tolls as may be fixed by the Board of Supervisors of Lake County; *provided*, that said Board shall not establish or reduce the rates of toll so as to make the dividends on said road less then fifteen nor more than thirty per cent per annum upon the amount actually expended in the construction of said road, either in money expended or the value of labor performed on said road in constructing and repairing the same; and, *provided*, further, that said Board of Supervisors shall so regulate the collection of tolls as to make the rates thereof per mile equal on all portions and parts of said road.

SEC. 5. This Act shall take effect and be in full force from and after its passage.

CHAP. CLXXVI.—*An Act for the better Protection of the Agricultural Interests in certain Counties in this State, and the more effectual Prevention of the Trespassing of Animals upon Private Property.*

[Approved March 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Owners of land may take up any animal.

SECTION 1. Any owner or occupant of any land or possessory claim finding any horse, mare, mule, jack, jenny, or horned cattle, or any number of such animals, upon such land or possessory claim doing damage, whether the same be inclosed by a lawful fence or not, may take up and safely keep such animals at the expense of the owner for ten days.

Damages to be sued for.

SEC. 2. When the owner or owners of such above described animals are known, they shall be forthwith notified, if residing in or near the township, of the detention, and the reason thereof; otherwise, written notices containing a description of the animals, including their marks and brands, and stating the cause of detention, shall immediately be posted conspicuously in at least two of the most public places in the township. At the expiration of ten days, if the animals have not been applied for, or sooner if they have been applied for, and the parties cannot agree upon the amount of damages and compensation, the taker-up, when the damages and compensation claimed shall be less than three hundred dollars, shall make complaint to a Justice of the Peace of the township, setting forth the facts, and stating the amount he claims against said animals.

Suits for damages before Justice.

SEC. 3. When the owner is known, and is within the jurisdiction of the Court, the suit shall be against the owner; in all other cases, the suit shall be against the property *in rem*. When against the owner, the summons shall be served and returned as in other actions; when against the property, it shall be returnable not less than ten days after the posting, as hereinafter provided. The service of the summons shall be made by the officer by posting a copy of the summons conspicuously on the outside of the outer door of the Court-room of the Justice issuing the same, not less than ten days before the return day thereof; and the return of the officer certifying such posting shall be evidence of a sufficient service thereof. If judgment be in favor of the plaintiff, the property may be levied upon and sold, as other personal property seized on execution, the Constable giving a bill of sale to the purchasers, describing the animal or animals sold, the price paid therefor, and stating that it or they were seized and sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment, costs, and accruing costs, shall be paid by the Justice to the owner of the property, if demanded within three months from the date of sale; if not demanded within that time, it shall be paid into the Treasury of the county for School purposes.

Summons shall issue.

Bill of sale.

Fees of Constables.

SEC. 4. It shall be the duty of any Constable, except City Constables, at the request of the person or persons damaged, to seize and take possession of any animal named in the first sec-

tion of this Act, and for all services performed in taking possession of and keeping such animal or animals, he shall be entitled to the same fees and charges as are allowed therefor by this Act. When any animal seized under this Act shall be brought to or placed in the custody of the Constable for the township wherein the seizure was made, it shall be his duty to receive and keep it until disposed of as herein provided; and in such case he shall be entitled to the fees for seizing, and also to the compensation for taking care of and keeping said animal that the person damaged would be entitled to. The provisions of section four of this Act shall not apply to Solano County.

When notice shall be advertised.

SEC. 5. When any animal seized under this Act is believed to be worth forty dollars or more, the Justice shall, in addition to the notice of sale hereinbefore provided for, publish, at least ten days before the sale, in a newspaper of the county, if one is published therein, a notice of the proposed sale, with a description of the animal, the cost of which shall be allowed in addition to the fees and charges hereinbefore allowed, and if the notice be so made, this sum shall be paid whether the animal be redeemed or sold.

Owners may redeem animals sold.

SEC. 6. Any owner of any animal which shall have been seized under the provisions of this Act may, at any time previous to the sale, demand and shall be entitled to the possession of such animal, upon making satisfactory proof of ownership and paying the fees, charges, and damages; and after the sale, if the animal be considered of a value equal to forty dollars or more, may at any time within three months redeem said animal, by producing satisfactory proof of his right thereto, and paying the purchaser the amount of purchase money, together with the necessary expenses incurred by said purchaser in keeping said animals.

Justice shall keep a record book.

SEC. 7. The Justice shall keep a book which shall be open to public inspection, and make a record therein of all sales made by his order under this Act, a description of the animals sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of the surplus money, if any, arising from each sale; and if such surplus money shall be received by any owner of any animal, he shall receipt for it upon the margin opposite such record. The Justice shall, without fee, give this book over to his successor in his office, and also any surplus money in his hands, arising from any sale made by authority of this Act, and the receipt of his successor shall be a legal discharge of the retiring Justice for all such sums so paid.

To what counties Act shall apply.

SEC. 8. This Act shall apply only to the Counties of Sacramento, Solano, Marin, Butte, Yolo; and, further *provided*, that the portion of Sacramento County lying south of the Cosumnes River shall be excepted from the provisions of this Act; *provided*, this Act shall not apply to that portion of Sacramento County lying north of the American River and east of the Marysville Road.

CHAP. CLXXVII.—*An Act amendatory of and supplemental to an Act entitled an Act for the Relief of the Enlisted Men of the California Volunteers in the Service of the United States, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved March 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the above recited Act is hereby amended so as to read as follows:

Commanding officers shall file muster roll.

Section 4. The Captains or commanding officers of companies of California Volunteers shall, after each and every muster, file in the office of the Adjutant-General of this State a complete muster roll (duly certified) of their companies from the date of their enlistment, noting desertions, discharges, and dismissals, and stating the causes of such discharges and dismissals from the service. No non-commissioned officer or private shall be entitled to the benefit of this Act who shall not obtain an honorable discharge from the service, or be transferred to the Invalid Corps, and no money shall be drawn from the Fund hereby authorized and set apart until he has been honorably discharged the service; *provided*, however, that the monthly amount hereby appropriated may be drawn by such enlisted married men as have families depending upon them for support, who shall have power to allot the whole or a portion of the same for the support of their families. The amount of pay thus allotted shall be paid to the person to whom the same is legally allotted upon the following certificate of the Adjutant-General of this State, (with seal of office attached,) being indorsed thereon, namely: "I hereby certify that ———— is a ——— in Company ——, —— Regiment, California Volunteers, and that he is entitled to the benefit of the Act entitled an Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April twenty-seventh, eighteen hundred and sixty-three, and that this allotment is made according to law." After the term of enlistment shall have been served, or an honorable discharge granted to any enlisted man, a certified copy of his final statement shall be transmitted to the Adjutant-General of this State, who shall certify on the back of the same the amount due under this Act to the person discharged, and the Controller shall draw his warrant upon the Treasurer of State for the amount so certified, payable out of the Fund hereby created; *provided*, that in case a volunteer be discharged for disability that existed at the time of his enlistment, he shall not be entitled to the benefit of this Act; *provided*, further, that whenever a soldier cannot obtain a certified copy of his final statement, by reason of the removal of the Paymaster, or other satisfactory causes, or who has or may hereafter be honorably discharged and paid by the United States upon his muster roll, descriptive list, or otherwise, or be transferred to the Invalid Corps, the Adjutant-General shall certify the amount due, upon a certified copy of his discharge,

Persons entitled to benefits of this Act.

Adjutant-General shall certify.

Volunteers discharged.

Proof of discharge.

transfer, or other satisfactory evidence of his being entitled to the benefits of this Act.

To whom bounties of deceased soldiers shall be paid.

SEC. 2. And be it further enacted, that if any person named in the fourth section of this Act has died since his enlistment, or shall hereafter die by reason of any wound received or disease contracted while in the service of the United States, his legal heir or heirs shall be entitled to and receive the amount due him at the time of his death, in the order following, to wit:

First—To the widow of such deceased soldier, if there be one;

Second—If there be no widow, then to the children of such deceased soldier, share and share alike;

Third—If such soldier left neither a widow, nor child, nor children, then and in that case such bounty shall be paid to the following persons; *provided*, they be residents of the United States, to wit: 1st—To his father, or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother, as aforesaid, then such bounty or sum due shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid; *provided*, the benefits of this Act shall apply only to loyal citizens of the United States.

Duty of Adjutant-General.

SEC. 3. It shall be the duty of the Adjutant-General to certify to copies of discharges, final statements, or other papers and documents, (whenever the same cannot be conveniently procured from the United States proper army officers,) required to perfect claims of applicants under this Act.

SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXVIII.—*An Act to authorize R. C. Kirby and others to construct and maintain a Turnpike Road from the Town of Santa Cruz to a point near the line of the San Francisco and San José Railroad, and to charge and collect tolls for travel thereon.*

[Approved March 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to construct toll road.

SECTION 1. B. C. Whiting, of Monterey; R. C. Kirby, S. W. Field, and W. N. Slocum, of Santa Cruz; J. G. A. Thurber, B. G. Lathrop, T. G. Phelps, J. O. Shaw, Horace Templeton, and William Page, of San Mateo County; Frank R. Sleeper, of Santa Clara county; Leander Ransom, R. H. Waller, Wm. A. Dana, and John White, of San Francisco, and their associates and assigns, are hereby authorized to construct and maintain a turnpike and toll road from the Town of Santa Cruz, following as nearly as practicable the course of the San Lorenzo River, and then by the most direct and feasible route, to be ascertained by the survey of competent engineers, to some point on the county road leading from Redwood City to Searsville, in San Mateo

County, or some point on the county road known as the Templeton Mills Road, in said county; *provided*, that nothing in this Act shall have effect to authorize the erection of toll gates upon or the obstruction in any manner of any county road, or the collection of tolls for the use of any portion of such county road.

Restrictions

Time franchise to extend.

SEC. 2. The said R. C. Kirby, and others named in section first of this Act, and their associates and assigns, shall have full power to build and maintain a toll and turnpike road from said Town of Santa Cruz to the said northern terminus in San Mateo County, by the route so as aforesaid to be surveyed and ascertained, and to have and enjoy all the rights, privileges, and immunities thereto belonging or in any wise appertaining, and shall have and maintain a right and property in and over said road, which is hereby ceded and granted to them, together with all the powers and privileges in this Act mentioned, for the term of twenty years from the completion of the one half of said road. The aforesaid rights and privileges are granted by the State of California upon the express condition that within one year from the passage of this Act the said above named persons and their associates and assigns, shall cause the entire route of the said road to be surveyed by competent engineers, and definitely establish the said route, including the northern terminus, and shall expend at least two thousand dollars in the actual construction of said road, exclusive of cost of survey, and within two years complete the said turnpike road; and it is, further, *provided*, that the said above named persons, and their associates and assigns, may at any time before the commencement of said road incorporate themselves under the general laws of the State regulating corporations for such purposes, under the name of the "San Lorenzo Turnpike Road Company," with such capital stock as they may deem necessary for the construction and maintenance of said road, and may transfer to said incorporation all the rights and privileges, franchises, and immunities hereby granted.

Conditions.

May incorporate.

Rights and damages.

SEC. 3. The same rights as those now extended by the laws of this State to plank and turnpike road companies in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said persons named in the first section of this Act, and their associates and assigns, and the damage to be paid in the same manner as provided in the law for the formation of said plank and turnpike road companies.

How must be constructed.

SEC. 4. The said turnpike road shall be constructed of sufficient solidity to admit of the passage of heavy freight and lumber teams, and shall be kept at all seasons in condition for travel thereon by the same, and of sufficient width to allow said wagons or teams to pass each other when meeting on said road.

Boards of Supervisors to fix tolls.

SEC. 5. Upon the completion of said road the said turnpike road company shall report to the Board of Supervisors of the several counties, respectively, through which such road shall pass, the number and location of toll gates erected in said counties on said road, and the amount of money expended in the location and construction of said road and toll gates in each

county, separately stated, duly verified by affidavit, and thereupon said Boards of Supervisors, respectively, shall from time to time establish the rates of toll to be collected upon said road within their respective limits; *provided*, said rates shall not be reduced so as to produce a less income than fifteen per cent per annum upon the cost of constructing said road and toll gates, over and above the expenses of collecting and keeping said road in repair; *provided*, also, that said company is hereby authorized and empowered to collect pro rata tolls on said road when one half the distance shall be completed, and said Boards shall respectively fix said pro rata tolls accordingly.

Laws regulating railroad companies to apply

SEC. 6. Said company, in addition to the powers hereinbefore granted, shall have all the right to enter upon and occupy private lands necessary to the location of said road, and take or use any timber, earth, rock, gravel, or other materials necessary to the construction and repair thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, and the several Acts amendatory thereof.

Counties may purchase road.

SEC. 7. At any time after the lapse of ten years from the completion of said road, if the several counties through which it may be constructed shall elect to purchase said road, the said turnpike road company shall be bound to sell to the several counties aforesaid such portion of said road as shall pass through them respectively, or to the several counties jointly; *provided*, the whole of the said turnpike road be included in the purchase, and upon payment to the said company, in United States gold coin, of the original cost of the construction of the said turnpike road and its necessary appurtenances, together with five per cent interest per annum in addition to the cost of construction.

Law of May 12, 1853, to apply.

SEC. 8. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, is hereby extended and made applicable to the corporation formed in pursuance of the present Act, so far as the provisions of the former do not conflict with the provisions of the latter.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CLXXIX.—*An Act concerning Roads and Highways in the County of Sierra.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors shall levy road poll tax

SECTION 1. The Board of Supervisors of Sierra County, at their first meeting after the passage of this Act, and annually at their first meeting in February thereafter, shall levy a road poll tax on all the male inhabitants, California Indians excepted, of said county, between the ages of twenty-one and fifty

years, which tax shall not exceed the sum of two and one half dollars per annum.

Shall issue blank receipts.

SEC. 2. The Board of Supervisors shall cause proper blank receipts to be printed, of a uniform appearance, changing the style each year, which receipts shall be numbered and signed by the Treasurer of said county, and by him delivered to the Auditor of said county, taking his reciept therefor. The Auditor shall also sign them, and issue to each of the Collectors of the Road Poll Taxes such number as may be required, taking his receipt therefor. The Auditor shall keep a just and true account, debit and credit, with each of the Collectors.

Boundaries of Road Districts.

SEC. 3. Each of the townships of the county shall form a Road District, and be numbered correspondingly.

Supervisors shall appoint Collectors.

SEC. 4. The Board of Supervisors, at their first meeting after the passage of this Act, and annually thereafter at their first regular meeting of each year, shall appoint for each Road District of the county a Road Poll Tax Collector, who shall be a resident of the Road District to which he is appointed; he shall give bonds in such sum as the Board may require for the faithful performance of his duties. The Collector of each Road District shall enter upon the discharge of his duties on the first Monday of March, and proceed to collect said road poll tax from each and every person liable to pay such tax living within his Road District; and, failing to perform his duties in a proper manner, as required by this Act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Board of Supervisors to prosecute him therefor before any Justice of the Peace in the county. If any person shall refuse to pay his road poll tax on demand, it shall be the duty of the Collector to enforce its collection in the same summary manner as set forth in section sixty-six of an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Penalty for not performing duties.

Collector shall keep record book.

SEC. 5. It shall be the duty of the Collector of each Road District to keep a book, in which he shall enter or cause to be entered the name of each person from whom he shall have collected said road poll tax, the year and the date, and, as minutely as possible, in what part of the county such tax payer resides. He shall pay over to the County Treasurer of said county on the first Monday of each month, (excepting the months of January, February, and March,) all moneys collected on account of the road poll tax, (less his fees for collecting the same,) taking the Treasurer's receipt therefor, which receipt he shall immediately file with the County Auditor. He shall also, at his annual settlement in the month of December, deliver to the Auditor all books, papers, and road poll tax receipts he may have in his possession belonging to said office, and make a final settlement with said Auditor and Treasurer.

Shall make monthly settlements.

Supervisors shall appoint Road Overseers.

SEC. 6. The Board of Supervisors, at their first meeting after the passage of this Act, and at their first meeting of each year thereafter, shall, on the recommendation of not less than thirty tax payers of each Road District, appoint to the corresponding district some proper person to fill the office of Road Overseer. Said Road Overseer shall be a resident of the Road District for which he is appointed; he shall also, before entering upon the

duties of his office, give good and sufficient bond in the sum of two thousand dollars, with two proper sureties, approved by the Board of Supervisors, conditioned on the faithful performance of his duties. The Road Overseer shall have the care, control, and supervision of all public roads and highways in his district; he shall cause to be made, and shall superintend, all repairs and improvement on them, and keep them in as good condition as the amount of funds in the Treasury, credited to his Road District for that year, will permit; and for that purpose, he shall have power to hire laborers, teams, to purchase tools, lumber, and whatever may be necessary. He may construct roads, build bridges, by contract or otherwise; *provided*, that any and all such contracts shall be let to the lowest responsible bidder, after giving notice for one week, by posting notices in three public places in the district where the work is to be done; *provided*, such contracts shall not exceed one hundred dollars without first obtaining the consent of the Board of Supervisors; but any Road Overseer may have power to join with any other Road Overseer or Overseers, for the purpose of constructing roads or bridges of general use and benefit to their respective districts.

Duties.

Restrictions.

SEC. 7. It shall not be lawful for the Road Overseer of any district to contract any debt or demand against the Road Fund, which, with the aggregate of existing debts, will exceed in amount the money in the Fund credited to his district for that year; *provided*, that in cases of damages occurring suddenly to highways from any cause, such as the washing away of bridges, the caving of embankments, the falling of trees, or any impediments by which travelling is rendered difficult, or dangerous, or impossible, in such cases he may order the necessary repairs to be executed immediately, but not otherwise.

Overseers shall not create debt.

SEC. 8. The Road Overseer shall keep a detailed account of all necessary expenses incurred in his office from day to day, the hire of laborers and teams, the purchase of tools and lumber, and whatever he may need; likewise an account of his own services, at the rate of four dollars a day for every day of actual labor performed in the capacity of Road Overseer. He shall, at every regular meeting of the Board of Supervisors, report the aforesaid account, as kept by him, with the vouchers for the same, of all the expenses incurred by him in his office of Road Overseer from the time of his appointment, or from the time of his last previous report, up to the time of his reporting, verifying the same by his oath. The Board shall audit these accounts, and shall allow to the persons who have labored, or who have furnished materials, such sums of money as will be just and reasonable, subject to the provisions of section six of this Act. These allowances shall be certified by the Clerk of the Board of Supervisors, and the County Auditor thereupon shall draw his warrant upon the Treasurer for the amount thereof in favor of the person to whom the same has been allowed, payable out of the Road Fund of the Road District for which the accounts were allowed.

Shall keep account.

Shall make report.

Allowances for pay of Overseers.

SEC. 9. The Auditor and Treasurer shall keep a separate account of all moneys collected on account of the road poll tax

Auditor and Treasurer shall keep accounts.

in each Road District of the county, which moneys shall be paid on warrants drawn to defray road and highway expenses in the districts respectively from which the moneys were collected; *provided*, that any surplus remaining in the Funds mentioned in this Act on the second Monday in December in each year, shall constitute a General Road Fund, subject to the order of the Board of Supervisors.

Pay of Collectors.

SEC. 10. The Road Poll Tax Collector shall receive for his services as Collector a sum fixed by the Board of Supervisors, amounting to not less than ten nor more than twenty per cent commission on all moneys collected on account of the road poll tax by him in his Road District.

SEC. 11. All Acts and parts of Acts in conflict with this Act, so far as they may apply to the County of Sierra, are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXX.—*An Act to create the County of Alpine, to define its Boundaries, and to provide for its Organization.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

What portions of certain counties set off.

SECTION 1. There shall be formed, out of those portions of El Dorado, Amador, Calaveras, and Mono Counties, lying near the summit of the Sierra Nevada Mountains, a new county, to be called Alpine.

Boundaries of county.

SEC. 2. The boundaries of Alpine County shall be as follows: Commencing at a point where the State line crosses the east summit of the Sierra Nevada Mountains; thence southwesterly along said summit, to a point two miles west of James Green's house, in Hope Valley, called Thompson's Peak; thence southwesterly in a direct line to Z. Kirkwood's house, on the Amador and Nevada Turnpike Road, excluding said Kirkwood's house; thence due south, across the North Fork of the Mokelumne River, to the road leading from West Point, in Calaveras County, to the Big Tree Road, near the Big Meadows; thence easterly, along said West Point Road, to the Big Tree Road; thence easterly in a direct line to where the Sonora Trail strikes the Middle Fork of the Stanislaus River; thence easterly along said trail, to the summit of the Sierra Nevada Mountains; thence northerly along said summit to the dividing ridge between the West Walker and the Carson Rivers; thence northeasterly along said dividing ridge to the State line; thence northwesterly along said State line to the place of beginning.

Board of Commissioners appointed.

SEC. 3. Benjamin Sears, O. F. Thornton, and Frank Cooper, are hereby appointed and constituted a Board of Commissioners to designate the Election Precincts in the said County of Alpine, to appoint the Inspectors and Judges of Elections for said

Their duties

precincts, to receive and canvass the returns of election, and to

issue certificates of election to the persons entitled to the same, and to order that the place having the highest number of votes in said county for county seat shall be the county seat for said county. The said Board shall meet on the second Thursday of July, eighteen hundred and sixty-four, at Silver Mountain, and shall appoint one of their number President, and one, Clerk. A record of their proceedings shall be kept. The attendance of a majority of the members of the Board shall be necessary for the transaction of business. The Commissioners shall, before entering upon the duties of their office, be lawfully qualified to perform the same by some person authorized to administer oaths. The record of the proceedings of said Board shall be delivered to the Board of Supervisors of Alpine County immediately after the same shall be elected and qualified, and thereupon the powers and duties of said Commissioners shall cease and determine.

Election to be held for county officers.

SEC. 4. There shall be an election in the County of Alpine on the second Thursday of August, at which election the following named officers shall be elected, to wit: one District Attorney; one County Clerk, who shall be ex officio Clerk of the Board of Supervisors; one County Recorder, who shall be ex officio Auditor; one Sheriff, who shall be ex officio Tax Collector; one County Surveyor; one County Treasurer; one Public Administrator, who shall be ex officio Coroner; one Superintendent of Public Instruction; one County Assessor; also a Board of Supervisors; and two Justices of the Peace; and two Constables for each township, in said Alpine County; and the electors shall designate on their ballots their choice of location for the seat of justice of Alpine County.

Terms of officers.

SEC. 5. The county officers of Alpine County shall hold their offices until the first Monday of March, eighteen hundred and sixty-six, and until their successors are elected and qualified, except County Judge, who shall hold his office until the first day of January, eighteen hundred and sixty-six. Justices of the Peace and Constables shall also hold their offices until the first of January, eighteen hundred and sixty-six, and until their successors are elected and qualified.

Governor shall appoint County Judge.

SEC. 6. After the passage of this Act the Governor shall appoint one County Judge for Alpine County, whose term of office shall commence on the first day of August, eighteen hundred and sixty-four, and expire on the first day of January, eighteen hundred and sixty-six.

Bonds of officers.

SEC. 7. The above officers shall, before entering upon the discharge of their duties, each, give a bond, to be approved by the County Judge, for the following amounts: The Sheriff, in the sum of twenty thousand dollars; the Clerk, in the sum of five thousand dollars; the Treasurer, in the sum of twenty thousand dollars; the District Attorney, in the sum of two thousand dollars; the Surveyor, in the sum of two thousand dollars; the Assessor, in the sum of five thousand dollars; the Public Administrator, in the sum of five thousand dollars; the Supervisors, each, in the sum of two thousand dollars; the Recorder, in the sum of five thousand dollars; the Justices of the Peace, one thousand dollars; Constables, one thousand dollars. The Board of Supervisors shall have power to increase the amount

of bonds named in this section, and to fix the bonds of all officers not otherwise provided for.

Salaries of officers.

SEC. 8. The County Judge shall receive a salary of eighteen hundred dollars per annum, to be paid quarterly; the District Attorney shall receive the sum of fifteen hundred dollars per annum, payable quarterly; the Supervisors shall receive the sum of six dollars per day while actually engaged in the business of said county, but not to exceed two hundred and fifty dollars each during each year; the County Clerk, County Recorder, and Sheriff, shall receive such compensation for their services as is prescribed in an Act entitled an Act to regulate fees of certain officers in Amador County, approved April sixth, eighteen hundred and fifty-nine; the Treasurer shall receive the sum of one hundred and fifty dollars per month; *provided*, that for any service rendered the State he may retain the amount paid by the State for such service for his own use in full compensation for such service; the Public Administrator shall receive for his service the same fees as are allowed Executors and Administrators by an Act entitled an Act to regulate the settlement of estates of deceased persons, passed May first, eighteen hundred and fifty-one; the Assessor shall be allowed not more than eight dollars per day for his services while actually engaged in the assessment of the property of the county; the Clerk of the Board of Supervisors shall receive such compensation as the Board may allow, but not to exceed three hundred dollars per annum; the County Auditor shall receive for his services a stated quarterly salary, to be fixed by the Board of Supervisors of the county; the Tax Collector shall be allowed twenty cents on each dollar for foreign miners' licenses, and fifteen cents on each dollar on poll taxes collected, and ten cents on each dollar collected for State and county license tax, and the fees allowed for enforcing the collection of the same, and for collecting all other taxes, six per cent on the first ten thousand dollars, eight per cent on all over ten thousand dollars and under twenty thousand dollars; the other county officers not otherwise provided for in this Act, shall receive for their services such fees as are prescribed in an Act entitled an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five, from section four to section twenty-two, inclusive.

Commissioners shall district county.

SEC. 9. The Board of Commissioners shall divide said county into townships, and designate the boundaries of the same; they shall also divide said county by township lines into three Supervisor Districts, to be designated as District Number One, District Number Two, and District Number Three.

Terms of Supervisors

The members of the Board of Supervisors shall hold their office for the term of three years, except as hereinafter provided. The qualified electors in each of the Supervisor Districts in said county shall, at the special election to be held on the second Thursday of August next, elect one Supervisor, to hold his office as follows: In District Number One, until the first Monday of January, eighteen hundred and sixty-six; in District Number Two, until the first Monday of January, eighteen hundred and sixty-seven; in District Number Three, until the first Monday of January, eighteen hundred and sixty-eight; *provided*, annually thereafter there shall be an election, at such time as the Board of Supervisors

may order, at which election the electors in the district in which the vacancy may occur shall choose one Supervisor, whose term of office shall be three years. The Supervisor from District Number One shall be President of the Board for one year, and thereafter the member having the shortest time to serve shall be President of the Board.

Pay of Commissioners.

SEC. 10. The Commissioners appointed by this Act shall receive for their services the same per diem as is herein allowed for the services of Supervisors.

Contracts for payment of money to be indorsed by Auditor.

SEC. 11. The County Clerk shall be Clerk of the Board of Supervisors, and any act of said Board binding the county to pay money shall be indorsed by the County Auditor, approved, or he shall return the same, within five days after its passage by the Board, without his approval; and when so returned, the same shall be void, unless thereafter passed by the unanimous vote of all the members of the Board, in which case it shall be binding on the county, though not indorsed by the Auditor.

Supervisors to levy tax.

SEC. 12. The Board of Supervisors are hereby authorized to levy and cause to be collected, in the manner prescribed by the general laws of this State and the provisions of this Act, an annual tax for county purposes not to exceed the sum of two dollars on each one hundred dollars worth of taxable property in said county. Said Board may also levy and collect a special tax, not to exceed fifty cents on each one hundred dollars worth of taxable property, and the Fund arising from such special tax shall be applied solely to the erection of a Court-house and Jail for said county.

For representative, Senatorial, and judicial purposes.

SEC. 13. The County of Alpine, for representative purposes, shall be attached to the County of Amador, and shall be attached to and form a part of the Fourteenth Senatorial District, and for judicial purposes, shall be attached to and form a part of the Fifth Judicial District, until otherwise provided for by law.

Actions at law.

SEC. 14. All actions, or proceedings in the nature of actions, whether original or upon appeal, civil or criminal, which shall be pending in the Courts of Amador, El Dorado, Mono, or Calaveras Counties, at the organization of Alpine County, in which the defendants are residents of Alpine County, or of the territory out of which Alpine County is formed, and all probate matters in which the deceased shall have been residents of said territory, shall be removed for trial and final determination to the proper Courts of Alpine County, on motion of any party in interest.

Alpine County to assume payment of certain debt.

SEC. 15. The County of Alpine shall assume and be charged with a portion of the debt of Amador County, to the amount of ten thousand dollars, to be levied, and collected, and paid, as follows: The said Board of Supervisors of Alpine County shall, within three months after their first meeting, enter in their books the allowance of said sum of ten thousand dollars amount due to Amador County, and cause to be audited and issued for the payment thereof, two county warrants, for the sum of five thousand dollars each, payable in two and three years from date, respectively, with interest at the rate of six per cent per annum; both of said warrants to be paid out of the General Fund of said county, according to their registration, number, and date.

Terms of County Court

SEC. 16. The County Court in and for the County of Alpine shall hold a term on the first Monday of February, June, and October of each year, and may continue in session until the commencement of the next term, unless all the business of the Court be sooner disposed of.

Regulation of calendar.

SEC. 17. At said terms, the criminal business of said County Court shall be first disposed of, and after that the civil business of said County Court, in the order in which it is herein named. This order shall be observed as a rule of precedence only; and after the business of one character as above designated is disposed of, the other may be taken up on the same days, in such order as the Judge may determine.

Terms of District Court.

SEC. 18. The terms of the District Court shall be held in and for the County of Alpine on the first Monday of May and September in each year.

CHAP. CLXXXI.—*An Act to amend an Act entitled an Act to regulate the Fees of certain Officers in the County of Tuolumne, approved February second, eighteen hundred and fifty-nine.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Fees for recording certain instruments of writing, etc.

Section 6. For recording any instrument, paper, or notice, when required, for each folio, thirty cents.

For copies of any record or paper, per folio, thirty cents.

For filing or receiving every instrument for record, and making the necessary entries therein, twenty-five cents.

For making in the several indexes required all the entries required of the filing and recording any instrument, paper, or notice, for each name thereon required to be indexed, twenty-five cents.

For every certificate under seal to copies of paper on record in his office, when required, fifty cents.

For every entry of discharge of mortgage or lien, on margin of record, fifty cents; and for the affidavit required to accompany such discharge, fifty cents.

For administering an oath or affirmation, and certifying the same, forty cents.

For writing and witnessing on the record of a mortgage or lien a receipt for a partial payment on any such mortgage or lien, fifty cents.

For searching record and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, fifty cents.

For recording every town plat, for every course, twenty cents.

For figures and lettering plats and maps, per folio, seventy-five cents.

For taking and writing acknowledgments, including seal, for the first signature, one dollar, and for each additional one, fifty cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For filing and keeping each paper not required to be recorded, and indorsing the same, fifty cents.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXII.—*An Act relative to the Office of District Attorney of the County of Sacramento.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of the County of Sacramento shall have a salary of two thousand dollars per annum, and the fees allowed him by law for the collection of delinquent taxes, and twenty-five dollars for each conviction in the County Court in all cases of which said Court has original jurisdiction, and fifty dollars for each conviction in the District Court, and ten per cent for collections made on bonds and recognizances in said Courts; *provided*, that no per cent shall be allowed on suits on bonds which are already commenced. Salaries and fees of District Attorney.

SEC. 2. On and after first Monday in March, A. D. eighteen hundred and sixty-four, the District Attorney of the County of Sacramento shall collect all delinquent municipal or levee taxes or street assessments that have been or may be levied or assessed to or against any person or property, or made a lien on any real or personal property within said city for municipal or levee taxes or street assessments; and all suits for any such taxes or assessments shall be brought in the name of The People of the State of California, and not in the name of the corporation; *provided*, that all such suits which have heretofore been brought, and are still pending, shall be prosecuted to final judgment in the name of The City of Sacramento, as plaintiffs therein; and said District Attorney shall have and is hereby given all the powers and emoluments and shall perform each and all the duties in and about any such tax or assessment as the City Attorney is now entitled to have and receive or required to do or perform in or about any such suits; *provided*, however, that the said District Attorney shall weekly report to the Board of Trustees the amount of all city collections made by him, and from whom and on what account, and shall, at the time of making such report, pay all such moneys into the City Treasury; and, *provided*, further, that such District Attorney His duties. Suits to be brought in the name of The People. District Attorney shall report weekly.

shall, at the end of each week, pay into the City Treasury ten per cent of all his fees collected as aforesaid, for the sole use and benefit of said City of Sacramento; and, *provided*, further, that such payment shall be made in the same manner as is now provided for the payment of ten per cent of his fees into the County Treasury.

Delinquent city taxes and assessments.

SEC. 3. It is hereby made the duty of the officers of said City of Sacramento who have the charge and control or who hereafter may have the charge and control of any delinquent city taxes, or delinquent street assessments, or delinquent lists, suits, or books of any kind or nature, to deliver the same to the said District Attorney, in the same manner and at the same time as is now provided for their delivery to the City Attorney; and said City Attorney of the City of Sacramento shall, on the first Monday of March, A. D. eighteen hundred and sixty-four, or as soon thereafter as may be, deliver to said District Attorney all delinquent lists, suits, or books in his hands or under his control; *provided*, further, that it shall be the duty of said District Attorney to prosecute to final judgment all suits now commenced for the collection of delinquent city taxes or delinquent street assessments as aforesaid.

Duty of District Attorney.

SEC. 4. It shall be the duty of the District Attorney of the County of Sacramento to embody in each suit for the collection of delinquent taxes all the delinquent taxes then due, either State, county, or municipal, which are either a lien against the property or a claim against the person sued, and on which action has not been commenced; and it shall be lawful to enter up in one judgment or decree, whenever suit is brought as aforesaid, the amount of State, county, city, and other taxes and assessments.

Mode of collecting delinquent taxes.

SEC. 5. All delinquent road, levee, and School taxes, or which may hereafter be delinquent in said County of Sacramento, or any township or district thereof, shall be collected in the same manner as is now provided by law for the collection of delinquent State and county taxes in said county.

SEC. 6. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts in conflict with the provisions of this Act are repealed.

CHAP. CLXXXIII.—*An Act amendatory of an Act entitled an Act amendatory and supplemental of an Act entitled an Act to prescribe the Duties and to provide for the Compensation of the several County Officers of the County of Butte, approved May third, eighteen hundred and sixty-one, approved April fourteenth, eighteen hundred and sixty-two.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealing clause.

SECTION 1. Section six of said Act, approved April fourteenth, eighteen hundred and sixty-two, is hereby repealed.

SEC. 2. Constables shall attend the Courts of Justice of the Peace within the townships in which they are elected whenever so required, and shall, within the county, execute, serve, and return all lawful orders, writs, processes, notices, and papers directed or delivered to them by a Justice of the Peace of such county, or by any competent authority. Duty of Constables.

SEC. 3. Section thirty-one of an Act entitled an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five, is hereby revived and made applicable to the County of Butte. Fees.

SEC. 4. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXIV.—*An Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a Wagon Road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of the said Act is hereby amended so as to read as follows:

Section 3. The said grantees shall have the right to erect and maintain one toll gate for each section of twenty-five miles of said road when constructed, and the right to levy and collect tolls thereat for all animals and vehicles travelling upon the line of said road; the tolls to be collected at each of the said toll gates, for travelling over said road, not to exceed the following rates, to-wit: Right to collect tolls granted.

For vehicles drawn by one animal, fifty cents;

For each vehicle drawn by two animals, seventy-five cents; and, for each additional animal, twenty-five cents;

Horsemen, twenty-five cents each;

Pack animals, twelve and a half cents;

Loose stock, five cents each; and,

For sheep and swine, two and a half cents each;

Provided, that the said grantees shall have six months from the date of the passage of this Act to complete the survey and location of said road, and one year from the said date to complete the construction of the same; and, *provided*, further, that the said location of said road shall not interfere or conflict with any other road heretofore laid out and constructed; and, *provided*, further, that the proper authorities of either or both of the counties named in this Act may at any time reimburse to the said grantees the amount actually by them expended in the location and construction of the said road, or any section thereof, and Time of completion. Supervisors may purchase.

declare the same to be a free public highway. The said grantees shall have authority to issue certificates of stock, appoint officers; Agents, and employés, and define their duties, and adopt by-laws and regulations not inconsistent with the Constitution and laws of this State, for the purpose of carrying out the objects specified in this Act; *provided*, further, that no discrimination shall be made in the rates of toll at any of the toll gates herein authorized to be erected on said road, and that no more than one toll gate shall be erected east of the point of intersection of the Tehama County and the Dogtown and Honey Lake roads, at the Mountain Meadows; *provided*, further, that the Boards of Supervisors of the Counties of Butte, Plumas, Tehama, and of any new county that may be hereafter created out of the territory of Plumas County, may, at any time after the completion of said turnpike road from a point where the same intersects the road running from Red Bluffs to Honey Lake Valley, or from Dogtown to Honey Lake Valley, purchase the same and make a free road thereof, in the same manner that Boards of Supervisors are authorized to purchase toll bridges and ferries under the provisions of an Act entitled an Act amendatory of an Act supplemental to an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto, passed April fourteenth, eighteen hundred and sixty-two, passed April twenty-seventh, eighteen hundred and sixty-three.

Restrictions

CHAP. CLXXXV.—*An Act to amend an Act entitled an Act creating the office of Bailiff of the Supreme Court, approved April sixth, eighteen hundred and sixty-three.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

SEC. 3. The salary of the office hereby created, including the duties of Porter, shall be twelve hundred dollars per annum.

Salary.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXVI.—*An Act to provide for the holding of a Special Term of the District Court of the Fourteenth Judicial District in and for the County of Placer.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Judge of the Fourteenth Judicial District of this State is hereby authorized to hold a special term of the Court in the County of Placer in said district, beginning on the first Monday in April, A. D. eighteen hundred and sixty-four. Special term of District Court.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXVII.—*An Act to provide for Recorders and Auditors in certain Counties in this State, and to legalize the acts of certain Officers.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all the counties of this State where Recorders and Auditors have not been elected according to the provisions of an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, the County Clerks of each of such counties shall be ex officio Recorders and Auditors, and all the acts heretofore performed by the County Clerks of such counties as Recorders and Auditors are hereby legalized and declared valid; *provided*, nothing in this Act shall apply to the Counties of San Francisco, Del Norte, and Sacramento, nor shall those provisions of it which enact that the County Clerk or Recorder shall be ex officio Auditor, or which legalize and confirm any acts as such Auditor done or performed since the sixth day of February, eighteen hundred and sixty-four, apply to the County of San Mateo. Legalizing certain acts of County Clerks.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXVIII.—*An Act relative to Justices of the Peace in the City of Stockton.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official dockets, and all papers now filed in the office or in the possession of A. G. Brown, late a Justice of

Transferring certain papers in Justices' Court.

the Peace in and for the City of Stockton, and which may be in his custody, to be kept as public records, shall be delivered and the said A. G. Brown is by this Act required to deliver the same to R. W. Brush, now Justice of the Peace in and for the said City of Stockton, and the said R. W. Brush is hereby declared to be the successor of the said Albert G. Brown in said office of Justice of the Peace in and for said City of Stockton, with all the powers and subject to all the duties pertaining to successors to the office of Justice of the Peace.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXIX.—*An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer certain Funds belonging to the County Hospital General Fund to the School Fund.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to transfer certain funds

SECTION 1. The Board of Supervisors of said County of Siskiyou are hereby authorized to order the County Treasurer of said county to transfer all of the surplus moneys now remaining in the County Hospital General Fund to the School Fund of said county, to be disbursed according to law.

How to be disbursed.

SEC. 2. And that said Board of Supervisors be authorized by this Act to order the County Treasurer to transfer all such moneys as may accrue, annually, as a surplus in said County Hospital General Fund to said School Fund, to be disbursed according to the provisions of the first section of this Act.

SEC. 3. This Act shall take effect on and after its passage.

CHAP. CXC.—*An Act to transfer certain Moneys from the General Fund of Tehama to the Tehama County Wagon Road Interest and Redemption Fund.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Treasurer to transfer certain moneys

SECTION 1. The Treasurer of Tehama County is hereby authorized and required to borrow from the General Fund of said county a sufficient amount of money which, together with the money in said Interest and Redemption Fund, shall be sufficient to pay the interest due upon the Tehama County Wagon Road bonds upon the first day of July, eighteen hundred and sixty-four, and place such amount to the credit of the Tehama County Wagon Road Interest and Redemption Fund of said county.

SEC. 2. As soon as there is an amount in said Interest and Redemption Fund, after the payment of the interest due on the said wagon road bonds of said county on said first day of July, eighteen hundred and sixty-four, equal to the amount taken from said General Fund, the said Treasurer shall replace in the said General Fund, from any money in said Interest and Redemption Fund, the amount borrowed from said General Fund as directed in section one of this Act. When to be returned.

SEC. 3. This Act shall take effect immediately upon its passage.

CHAP. CXCI.—*An Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said Act is hereby amended so as to read as follows:

Section 8. The Supervisors of the county shall constitute a Board of Equalization, of which Board the Clerk of the Board of Supervisors shall be Clerk. The Board of Equalization shall meet on the second Monday in August, and shall continue in session from time to time until the business of equalization presented to them is disposed of; *provided*, however, that they shall not sit after the first Monday in September. The Board of Equalization shall have power to determine such complaints only as shall be made to them upon sworn statements in writing, in regard to the assessed value of any property, and may change and correct any such valuation, either by adding thereto, or deducting therefrom, if the sum fixed in the assessment roll is proven to be too small or too great. During the sessions of the Board the Assessor may be present, and shall have liberty to make any statement touching questions before the Board. A quorum of the Board of Supervisors shall be sufficient to constitute the Board of Equalization, and a majority of the members present shall determine the action of the Board. During the sessions, or as soon as possible after the adjournment of the Board of Equalization, its Clerk shall enter upon the assessment roll all the changes and corrections made by the Board, and thereupon deliver the assessment roll so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation, and, on or before the third Monday in September, he shall deliver a true copy of the corrected roll, to be styled a duplicate assessment list, with the total of taxes to each person, firm, corporation, and association, carried out in a separate money column, which said duplicate assessment list shall be duly certified by said Auditor, (for the making of which duplicate assessment list the Supervisors shall make the necessary appropriation,

Board of Supervisors to sit as Board of Equalization.

Assessor may be present.

What constitutes a quorum.

Duty of Clerk.

not to exceed eight cents per folio,) and also the map to the Tax Collector.

SEC. 2. This Act shall apply only to the City and County of San Francisco.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXCII.—*An Act to amend an Act concerning Teachers of Common Schools in this State, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Oaths of Teachers.

Section 2. The oath or affirmation prescribed in the first section of this Act may be administered by the Superintendent of Public Instruction, or by the County Superintendent of Public Schools, or by any officer authorized to administer oaths, and the certificate thereof shall be filed in the office of the County Superintendent of Public Schools in the county where the Teacher taking the oath proposes to teach School, and no warrant for the compensation of any Teacher shall be drawn on or paid from the School Fund unless the certificate of the oath or affirmation of such Teacher has been filed with the County Superintendent of Public Schools.

Where to be filed.

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

No Superintendent to draw warrant till oath is filed.

Section 3. Any County Superintendent who shall draw any warrant on the County Treasurer for the payment of any Teacher before the oath required in this Act shall have been taken and filed as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail for a period of not less than sixty days.

CHAP. CXCIII.—*An Act to create a Special Fund for the erection of a Jail in the County of San Bernardino.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Supervisors to levy special tax.

SECTION 1. The Board of Supervisors of the County of San Bernardino are hereby authorized and required, immediately after the passage of this Act, and each year thereafter, until

there is money enough realized to meet the object for which the above Fund is created, to levy a special tax of not to exceed twenty cents on each one hundred dollars valuation of all the taxable property in said county, which shall be assessed and collected at the same time and in the same manner as other county and State taxes are assessed and collected in said county, which Fund, when collected, shall be and is hereby constituted a Special Jail Fund, for the purpose hereinafter provided.

How money to be used.

SEC. 2. The Board of Supervisors of said county shall use the Fund created in section one of this Act for the erection of a Jail in said county, in the same manner required by sections three, four, five, and six of an Act entitled an Act to provide for the erection of a Jail in the County of San Bernardino, approved March thirtieth, one thousand eight hundred and fifty-seven; *provided*, that this Act shall in no way interfere or conflict with the object and provisions of said Act

Fees of Collector and Treasurer.

SEC. 3. The ex officio Tax Collector for said county shall receive four per cent on all moneys collected by him and paid over to the County Treasurer, and the County Treasurer shall receive two per cent on all moneys received and disbursed by him under the provisions of this Act.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXCIV.—*An Act concerning the recording of Certificates of Incorporation and the arrangement of the Archives of State in the Secretary of State's office.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Secretary of State authorized to employ copyists.

SECTION 1. The Secretary of State is hereby authorized to employ one or more copyists for the express and sole purpose of recording in a proper book or books, to be by him provided, such certificates of incorporation as may now be filed, and also such as may hereafter be filed in his office, for the recording of which the State has received or may hereafter receive pay; *provided*, however, that he shall be authorized to have only such an amount of copying executed as shall exceed the amount which the present Recording Clerk in his office may be able to perform.

Pay of copyists.

SEC. 2. Said copyist or copyists shall receive for recording such certificates of incorporation the sum of ten cents per folio. The amount of work performed by each of said copyists shall be computed, and the amount due thereon shall be audited monthly by the Secretary of State, the State Treasurer, and the Controller of State, upon which audit the Controller of State is hereby required to draw and the Treasurer of State to pay warrants for the same, out of any money in the Library Fund not otherwise appropriated.

Secretary of State authorized to employ Archive Clerk.

SEC. 3. The Secretary of State is hereby authorized to employ a competent person to collate and arrange the archives in his office of a date prior to the year eighteen hundred and sixty, and upon the presentation of a certificate that such arrangement has been properly made from the Auditors mentioned in the preceding section, the Controller of State is hereby required to draw and the Treasurer of State to pay a warrant or warrants for a sum not to exceed one thousand dollars, payable out of any moneys in the General Fund not otherwise appropriated.

SEC. 4. This Act shall take effect from and after its passage.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CXCV.—*An Act to create a Contingent Fund for the County of Tulare.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special Fund created.

SECTION 1. The Board of Supervisors of Tulare County are hereby authorized in each and every year to set apart as a separate Fund any sum, not exceeding one per cent upon all money in the County Treasury belonging to the General or Current Expense Fund, which shall be known as the County Contingent Fund, and shall be subject to the order of the Board of Supervisors in payment for books, stationery, fuel, lights, postage, and expressage.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CXCVI.—*An Act to amend an Act entitled an Act concerning Public Ferries and Toll Bridges, passed April twenty-eighth, eighteen hundred and fifty-five.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as to read as follows:

Private lands to be set apart for use of ferries, etc.

Section 9. In case any lands belonging to any private person or persons may be necessary in providing landings, moorings, and fastenings, or other necessary facilities for operating any public ferry granted under the provisions of this Act, the owner or owners of such public ferry may petition the Board of Supervisors of the county in which the same is situated, to have the

said lands appropriated to public use for the purposes aforesaid, setting forth a description of the lands sought to be so appropriated, and the object for which the use of the same is necessary. Upon the presentation of such petition to the Board of Supervisors they may appoint three disinterested electors of the county Commissioners, who shall, within five days after the date of their appointment, first having taken an oath to faithfully and impartially discharge the duties devolving upon them by law as such Commissioners, proceed to examine the lands petitioned for, and determine whether the same be necessary for public use as aforesaid, and if the Commissioners, or a majority of them, shall determine the same to be so necessary, it shall be their duty to notify, in writing, the owner or owners of such lands of the time and place at which they will meet to appraise and value the same, such meeting to be within thirty days after said examination of said lands, and at least five days after the service of said notice; *provided*, that if the owner or owners of such lands cannot be found in the county, said notice may be served by publishing the same for three consecutive weeks in some newspaper published in the county, the last insertion to be at least five days previous to the time appointed for such meeting, at which time and place they shall proceed to appraise and value such lands, and it shall be their duty to hear any evidence in relation to such value as may be offered, either by the owner or owners of the lands or of the ferry.

Commissioners to appraise.

Notice to owners.

SEC. 2. Section ten of said Act is hereby amended so as to read as follows:

Section 10. The Commissioners, or a majority of them, shall, within five days after such appraisement, make a report in writing to the Board of Supervisors, by filing the same with the Clerk thereof, in which they shall set forth their proceedings as such Commissioners, that the lands are necessary for public use, and the true cash value of the same; whereupon, the Board of Supervisors shall, at a special meeting called for the purpose, or at their next regular meeting after the filing of said report, make an order that the amount of such appraisement be paid to the owner or owners of such lands by the owner or owners of such public ferry; and after such payment or tender of payment, such lands shall be deemed dedicated and appropriated to public use, and the owner or owners of such ferry shall have full right to occupy and use the same for the purposes of operating such public ferry; but not more than one hundred feet of land on each side of any river, creek, or slough shall be so appropriated for the purpose of landings for such ferry, and not more than one fourth of one acre of such lands on each side of such river, creek, or slough shall be so appropriated for other purposes and facilities of operating such ferry; *provided*, that if the owner or owners of any lands appropriated for public use, as herein provided, shall be dissatisfied with the amount awarded by the Commissioners as the value of the lands, and shall refuse to receive the sum so awarded, they shall, within ten days from the time the owner or owners of the ferry shall enter upon and occupy the lands so dedicated to public use, commence

Commissioners shall make report

Owners of ferries to pay appraisement.

Appeal from Commissioners' appraisement.

an action in a Court of competent jurisdiction against the persons so entering upon and occupying the land, for the value of the same; *provided*, that if the plaintiffs recover no greater sum than that awarded by the Commissioners, they shall pay the costs of the action.

SEC. 3. This Act, or the one to which it is amendatory, shall not apply to the City and County of San Francisco.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXCVII.—*An Act to fix the Terms of the County Court and Probate Court of the County of Sacramento.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of County and Probate Courts.

SECTION 1. The regular terms of the County Court and of the Probate Court of the County of Sacramento shall be held on the first Monday of January, April, July, and October in each year, and may continue until the commencement of the succeeding term.

SEC. 2. This Act shall take effect and be operative from the date of its passage, and so much of any Act as is in conflict with it is hereby repealed.

CHAP. CXCVIII.—*An Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eight, eighteen hundred and sixty-two.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Terms of Supervisors

Section 1. At the next general election, to be held on the Tuesday next after the first Monday of November, eighteen hundred and sixty-four, there shall be elected in the County of San Bernardino, by the legal electors thereof, three Supervisors, two to hold their offices for the term of one year, and one to hold his office for the term of three years; and at the first meeting of the Board of Supervisors elected under this Act they shall draw lots for the term of one and three years respectively; and the Supervisors who shall draw one year shall hold their office for the term of one year from the time of their election, or until their successors are elected and qualified, and the one who draws three years shall hold his office for

the term of three years from the time of his election, or until his successor is elected and qualified. At the general election to be held in the year one thousand eight hundred and sixty-five, two Supervisors shall be elected for the term of four years; and at the general election to be held in the year one thousand eight hundred and sixty-seven, one Supervisor shall be elected for the term of four years; and thereafter the Supervisors shall be elected at the general election for the term of four years consecutively.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CXCIX.—*An Act to provide for collecting Wharfage in Napa City.*

[Approved March 18, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Lefferts and his assigns are hereby authorized to collect such rates of wharfage on goods and articles landed on the wharf at the foot of Main street, in Napa City, on Napa River, as the Board of Supervisors of Napa County may allow, for the purpose of repairing and improving said wharf. Right to collect wharfage.

SEC. 2. James Lefferts and his assigns shall appropriate all moneys collected under the provisions of this bill to the repair and improvement of said wharf, and shall have general control and management of the same, and shall from time to time, as may be required by the Board of Supervisors of Napa County, make a sworn statement of the amount of moneys collected and disbursed under the provisions of this Act. How to be expended.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CC.—*An Act to re-district the City and County of San Francisco.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The lines and boundaries of the different Election Districts in the City and County of San Francisco are hereby fixed and defined as follows: Boundaries of Election Districts.

The First District shall be bounded by Washington street on the south, Kearny street on the west, and the Bay of San Francisco on the north and east.

The Second District shall be bounded by Kearny street on the

Boundaries of Election Districts.

east, Vallejo street on the south, Larkin street on the west, and the Bay of San Francisco on the north.

The Third District shall be bounded by Washington street on the north, Kearny street on the west, California street on the south, and Market street and the Bay of San Francisco on the east.

The Fourth District shall be bounded by Vallejo street on the north, Kearny street on the east, Washington street on the south, and Larkin street on the west.

The Fifth District shall be bounded by California street on the north, Kearny street on the west, and Market street on the south and east.

The Sixth District shall be bounded by Kearny street on the east, Pine street on the south, Larkin street on the west, and Washington street on the north.

The Seventh District shall be bounded by Harrison street on the south, Second street on the west, Market street on the north, and the Bay of San Francisco on the east.

The Eighth District shall be bounded by Kearny street on the east, Market street on the south, Larkin street on the west, and Pine street on the north.

The Ninth District shall be bounded by Harrison street on the north, Seventh street on the west, and the Bay of San Francisco on the south and east.

The Tenth District shall be bounded by Market street on the north, Seventh street on the west, Harrison street on the south, and Second street on the east.

The Eleventh District shall be bounded by Seventh on the east, by Market street and Ridley street, in a direct line to the Pacific Ocean, on the north, by the Pacific Ocean on the west, and by the line of San Mateo County and the Bay of San Francisco to the line of Seventh street, on the south and east.

The Twelfth District shall be bounded by Larkin street on the east, by Market street and Ridley street, in a direct line to the Pacific Ocean, on the south, and by the Pacific Ocean and the Bay of San Francisco on the west and north.

Islands in bay.

SEC. 2. All the islands in the Bay of San Francisco or in the Pacific Ocean, within the limits of said city and county, shall, for all election purposes, be included in the First District.

Mayor shall describe boundaries.

SEC. 3. It shall be the duty of the Mayor of said city and county, when issuing his proclamation for the annual municipal election to be held in said city and county, in May, eighteen hundred and sixty-four, to describe in such election proclamation the boundaries of the different Election Districts as defined in this Act.

No office to become vacant by this Act.

SEC. 4. No office shall become vacant in consequence of any change of district lines, or of any other provisions of this Act; and every existing officer shall continue in office and exercise his functions and jurisdiction for the same time and in the same manner and place as if this Act had not been passed.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCI.—*An Act supplementary to an Act concerning the Office of County Clerk of Placer County, approved February twenty-fifth, eighteen hundred and fifty-eight.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of Placer County shall not be required to demand the payment of fees in advance, or to pay into the County Treasury any fees which may accrue in the administration of estates of deceased persons, and which are chargeable to the Administrator or Executor, until the same shall be collected from estates in due course of administration. Fees on estates of deceased persons.

SEC. 2. In all proceedings against Guardians, when ordered by the Court for the protection of the interest of minor heirs, the Clerk shall not be required to account or pay over to the County Treasurer the costs in such proceedings unless the same shall actually come into his hands. Costs of actions at law.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCII.—*An Act to amend an Act entitled an Act concerning the Duties of County Clerk, passed April eighteenth, eighteen hundred and fifty.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The County Clerk of each county in this State shall be ex officio Clerk of the Courts of record in and for his county. County Clerk ex officio Clerk of Courts.

SEC. 2. Section six of said Act is hereby amended so as to read as follows:

Section 6. The County Clerk shall, either in person or by Deputy, attend each term of the County Court, District Court, and Probate Court held in his county. To attend terms of Court.

SEC. 3. This Act shall take effect from and after its passage, and all laws and parts of laws, whether general or special, so far as they conflict with the provisions of this Act, are hereby repealed. Repealing clause.

CHAP. CCIII.—*An Act to legalize the Levy of Taxes in the County of Sacramento for the Fiscal Year commencing on the first Monday in March, A. D. eighteen hundred and sixty-four.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legalizing levy of taxes.

SECTION 1. The levy of State, county, and special taxes by the Board of Supervisors of Sacramento County, for the fiscal year commencing on the first Monday in March, A. D. eighteen hundred and sixty-four, is hereby legalized and made valid.

SEC. 2. This Act shall take effect immediately.

CHAP. CCIV.—*An Act to amend an Act entitled an Act prescribing Rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Government of State Library.

Section 1. The State Library shall be under the direction and control of a Board of Trustees, to consist of five members, as herein provided. The Governor and the Chief Justice of the Supreme Court shall be ex officio members of the Board; J. F. Morse, J. W. Winans, and H. W. Harkness are hereby appointed members of the Board. They shall hold their offices for the term of four years, and until their successors are appointed and qualified. On or before the expiration of their term of office, the Legislature shall on joint ballot elect their successors.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCV.—*An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty of said Act is hereby amended so as to read as follows:

Section 60. The Street Commissioners shall require, by verbal or written notice, (to be delivered to them personally or left upon the premises,) all owners, tenants, and occupants of lots and buildings situated and fronting upon streets already graded and planked or paved, where local repairs are needed in the planking, paving, sidewalks, sewers, or otherwise, to make such repairs forthwith, each one in front of the property of which he is the owner, tenant, or occupant, and all repairs so made or expense therefor incurred by tenants may be charged to the landlord, unless otherwise agreed upon between such landlord and tenant, and deducted from the rents payable under their leases; and the said tenant shall have a lien upon the premises therefor, and may retain possession till the amount so advanced shall be repaid, with interest, from accruing rents or otherwise. Nothing in this or the foregoing sections shall be so construed as to prevent the Street Commissioner from causing to be done such minor repairs as he may deem necessary upon streets already or those which may hereafter be graded, and drawing demands against the General Fund for the expense of the same, such demands to be audited in the same manner as other demands payable out of the General Fund; *provided*, the entire annual expenditure shall not exceed a sum to be fixed by the Board of Trustees.

Repairs of streets or sidewalks.

Landlord to be responsible.

CHAP. CCVI.—*An Act to allow additional compensation to the Board of Supervisors of Nevada County.*

[Approved March 21, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each member of the Board of Supervisors for Nevada County, and the Clerk thereof, for each day's necessary attendance on the business of the county, during the sessions of said Board for the year eighteen hundred and sixty-four, shall be authorized and is hereby allowed and entitled to receive the same per diem for all such services actually and necessarily required and rendered in the affairs of said county for said year eighteen hundred and sixty-four as is now authorized and allowed by the provisions of the Act entitled an Act to create a Board of Supervisors in the counties of this State, and define their duties and powers, approved March twentieth, eighteen hundred and fifty-five; *provided*, that such compensation shall not exceed in the aggregate the sum of eight hundred dollars to each member of the Board and to the Clerk, during the whole of said year eighteen hundred and sixty-four.

Compensation of Supervisors

CHAP. CCVII.—*An Act authorizing the Board of Supervisors of Sierra County to provide for the Construction of certain Wagon Roads in Sierra County.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to submit propositions to voters for issuance of bonds for wagon roads

SECTION 1. The Board of Supervisors of Sierra County, at their first meeting after the passage of this Act, whether regular, special, or adjourned, shall submit to the qualified electors of said county a proposition to issue bonds of said county not exceeding in the aggregate the sum of fifty-six thousand dollars, to be expended in the manner and proportion hereinafter provided, in the construction of a wagon road, commencing at the corporate limits of the Town of Downieville, on the South Fork of the North Yuba River, and following thence along said Fork the best practicable route through the "Yuba Gap" to that part of Sierra Valley found most easy of access, with the best grade; and also of a certain other wagon road, known as the "Marysville and Beckwourth Pass" Turnpike Road, commencing at the Town of La Porte, in said county, thence through or near the "Beckwourth Pass" to the eastern line of the State of California.

Notice to be given.

SEC. 2. As soon as practicable after the passage of this Act, the Board of Supervisors of Sierra County shall cause notices to be published for at least two weeks, in two of the newspapers published in said county, stating the proposition to be submitted to said electors, and of the time and manner of voting thereon; *provided*, that said election shall not be held at a period earlier than the first of May, eighteen hundred and sixty-four.

Form of ballot.

Ballots shall be prepared with the words "For building the Wagon Roads" printed or written thereon; every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon.

Manner of conducting election.

Said election shall be conducted in the same manner as election for county officers, and in like manner sealed returns shall be made of the votes cast on said proposition within six days after said election. The Board of Supervisors shall meet as a Board of Canvassers within eight days after said election, and proceed to open such returns, and officially declare the result of said election; and in the case the majority of all the votes be in favor of said proposition, then the Board of Supervisors shall proceed to perfect the arrangements for the survey, location, and building of said roads under the direction of this Act.

Supervisors to construct roads

SEC. 3. If at said election a greater number of said electors voting upon said proposition shall vote "Yes" than shall vote "No," then and in that event the Board of Supervisors is authorized for and in the name of said county to construct the Yuba Gap Wagon Road, and provide for and maintain both of the wagon roads described in section one of this Act; and also to cause to be issued the bonds of said county as hereinafter provided for.

SEC. 4. The said roads shall be in all respects first class wagon roads, adapted to the purposes of transportation of merchandise on wagons of all classes, with bridges, culverts, and other appurtenances necessary to the same. And said Board shall appoint some efficient Engineer to lay out the said Yuba Gap Road, under the general direction of said Board of Supervisors. They may also appoint a Superintendent, or such officer or officers as they may find necessary to the prosecution of the work on both or either of said wagon roads, and allow reasonable wages for their services when rendered. How roads to be constructed.

SEC. 5. It shall be the duty of the Board of Supervisors to cause the Yuba Gap Wagon Road to be constructed either by contract or otherwise, as they may deem most expedient, following the general route, initial point, and terminus described in section one of this Act; and to that end full power, not inconsistent with the provisions of this Act, is hereby granted them to do and perform all acts necessary for the economical and prompt completion of the same; *provided*, that if the work, or any part thereof, be let on contract, it shall be let only to the lowest bidder, and after advertisement for tenders, and of the terms and time of letting the same, published in one or more of the newspapers of the county for at least two weeks previous to such letting. No bid shall be accepted unless the bidder either gives good and sufficient bonds for the performance of the work to the satisfaction of the Board, or agrees, in writing, to complete the contract subject to their approval, and without payment therefor until the bidder's contract is completed and approved; *provided*, always, that the Board may reject any and all bids. Yuba Gap Road. Contracts.

SEC. 6. The Board of Supervisors of said county shall issue the bonds of said county in such sums as may be necessary, not exceeding in the aggregate fifty-six thousand dollars, of denominations of not less than one hundred nor more than one thousand dollars each, payable in six years from the fifteenth day of October, A. D. eighteen hundred and sixty-four, bearing interest at the rate of ten per cent per annum, payable semi-annually, on the fifteenth day of October and April of each year; *provided*, that the first payment of interest shall be on the fifteenth day of October, A. D. eighteen hundred and sixty-four, for such amount of interest as shall have accrued on said bonds up to that time; said bonds and interest payable at the office of the Treasurer of said county, in United States gold coin. Said bonds shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor, and indorsed by the Treasurer of said county. Thirteen coupons shall be attached to each bond, in such manner as to be readily removed without injuring the bond, and numbered consecutively, and shall express the amount of interest due at each payment, when and where payable, and shall be signed in the same manner as the bonds are required to be signed. How bonds to be issued. Interest.

SEC. 7. It shall be the duty of the Auditor and Treasurer of said county to each keep a record of all bonds issued, which record shall show the date, number, in whose favor drawn, and the amount of each bond issued. Record to be kept.

Donations by individuals.

SEC. 8. At any time when the aggregate amount of money subscribed by individuals as a donation to said county for the purpose of aiding and assisting in the construction of the Yuba Gap Road, shall have amounted to the sum of twenty thousand dollars, payable in gold coin, and the Trustees of the Yuba Gap Wagon Road Fund shall have deposited with the Treasurer of said county, subject to the order of the Board of Supervisors of said county, twenty-five per cent (five thousand dollars) of said donation, and also a good and sufficient bond for the payment of the remaining fifteen thousand dollars, in such instalments as the Board shall order and require, then and thereupon the Board of Supervisors shall proceed in the manner set forth in section five of this Act. And at any time within three months after said election, upon the Trustees of the Marysville and Beckwourth Pass Turnpike Road Company filing a good and sufficient bond to the County of Sierra, in the sum of twenty-five thousand dollars, (subject to the approval of the Board of Supervisors,) as security for the faithful building and completion by them, within one year from the time of filing said bond of the Marysville and Beckwourth Pass Turnpike Road Company, as in sections one and four of this Act provided, and likewise that said corporation shall forthwith, on the completion of said road, make, execute, and deliver to said county a good and bona fide deed in fee simple of the said Marysville and Beckwourth Pass Turnpike Road, and of all and singular the possession, rights, privileges, franchises, and appurtenances of said corporation in and to the same, and every part thereof, then the Board of Supervisors shall cause to be issued to said Trustees the bonds of said county, amounting in all to the sum of twenty thousand dollars, ($20,000,) in the manner and instalments hereinafter mentioned; *provided*, that if either or both of the Trustees mentioned in this Act fail to comply with the provisions of this Act, then and in that event the Board of Supervisors of said county is authorized to appropriate twenty thousand dollars of the bonds mentioned in this Act in the construction of two roads, as follows: Twelve thousand dollars to be expended in the construction of a wagon road from the Town of Howland Flat, through or near the Towns of Poker Flat, Deadwood, Monte Christo, on the best practicable route, to the Town of Downieville; and eight thousand to be expended in the construction of a wagon road from the Town of Downieville, on the best practicable route, through the Village of Rock Creek to the Town of Forest City, in said county. All the provisions of this Act, so far as the same may be applicable, and especially the provisions of sections four and five of this Act, shall be applicable to and govern the Board of Supervisors in the construction of the roads hereinbefore mentioned.

Beckwourth Pass Road Company.

On failure of Trustees to comply.

Other roads.

Amount bonds to be sold for.

SEC. 9. Whenever any of the bonds provided for in this Act are sold, (such sale shall in no instance be for a less sum than eighty cents on the dollar,) the proceeds of the thirty-six thousand dollars part thereof shall forthwith be paid into the County Treasury, and, with the donation moneys hereinbefore mentioned, shall be set apart by the Treasurer of Sierra County, and constitute the "Yuba Gap Wagon Road Fund." All expenses incurred in locating, constructing, and superintending

Expenses.

the construction of said Yuba Gap Wagon Road, shall be paid out of said Yuba Gap Wagon Road Fund, by said Treasurer, and only upon the order of the Board of Supervisors. The remaining part of the fifty-six thousand dollars (bonds) to be issued to the Trustees of the Marysville and Beckwourth Pass Turnpike Road Company, in two even and equal payments or portions, of ten thousand dollars each; the first to be delivered by the Board of Supervisors to said Trustees upon the approval and filing of their said security bond, as in section eight of this Act provided. The second payment of said bonds to be issued to said Trustees at the end of six months from date of issuing the first instalment to said Trustees.

Special tax to be levied.

SEC. 10. For the purpose of providing for the payment of the interest and principal of the bonds issued in pursuance of this Act, the Board of Supervisors of Sierra County shall, annually, levy a tax, of not more than twenty-five cents on each one hundred dollars taxable property in said county, which tax shall be levied and collected at the same time and in the same manner as other taxes for State and county purposes. There shall also be levied in said county in the year A. D. eighteen hundred and sixty-four, and annually thereafter until the interest and principal of the bonds provided for in this Act shall be fully paid, a poll tax of two (2) dollars upon each and every male inhabitant over twenty-one and under fifty years of age in said county, which tax shall be levied at the time and in the same manner as provided by law for the levying and collecting poll taxes for State and county purposes.

Poll tax.

Special Fund created.

SEC. 11. The moneys collected under the provisions of this Act shall be set apart by the Treasurer of said county, and constitute a Fund, to be known as the "Sierra County Wagon Road Interest and Sinking Fund," and shall be held and disbursed as in this Act provided, and not otherwise.

For redemption of bonds.

SEC. 12. Whenever in any year, on the fifteenth day of October and April, after the payment of the interest then due, said Sinking and Interest Fund shall contain one thousand dollars or upwards, the County Treasurer shall advertise in two of the newspapers published in said county, for the space of two weeks, for sealed proposals for the redemption of bonds to the amount of money in the Treasury at that time, which proposals shall, on the day mentioned in the advertisement, in the presence of the County Judge and County Auditor, be opened by said Treasurer, who shall pay and liquidate, as far as the money on hand will extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, that the same shall not be for more than par value and interest; *provided*, should there be no proposals received at less than par value and interest, then the payment of said bonds shall be in the order of their registry; and, *provided*, further, whenever there may be sufficient money in said Fund for the full payment of the bonds issued under the provisions of this Act, it shall be the duty of said Treasurer to advertise in like manner for four weeks for the redemption of all the bonds then outstanding, after which time said bonds shall cease to draw interest.

Proviso.

How bonds to be cancelled.

SEC. 13. When any bond or coupon shall be paid under the provisions of this Act, it shall be the duty of the County Treasurer to cancel the same in the presence of the County Judge and County Auditor, and make a certificate thereof, which certificate shall be signed by said Judge, Treasurer, and Auditor, and filed in the office of the County Clerk of said county.

Tolls may be collected.

SEC. 14. On the completion of said Beckwourth Pass Turnpike Road, and at any time after completion of ten miles of said Yuba Gap Road, the Board of Supervisors shall be and they are hereby authorized to establish a toll gate or toll gates thereon, and may there collect, for and during each year thereafter, as they by order made at any regular meeting shall direct, such reasonable tolls as they may deem necessary for the uses and purposes to which the same are to be applied. Said tolls when collected shall be paid into the County Treasury, and set apart by the Treasurer, and constitute separate Funds, the money of each Fund to be applied and used only in payment of the expenses incurred in collecting the same and for the purpose of keeping the road upon which such tolls were collected in good repair, and for the improvement of the same, respectively, as the Board of Supervisors may direct; *provided*, that any surplus remaining in said Funds, or either of them, on the fifteenth day of April and October of each year, shall be placed in the Sinking and Interest Funds provided for in this Act.

How to be expended.

Compensation of certain county officers.

SEC. 15. The Chairman of the Board of Supervisors, Auditor, and Treasurer of Sierra County, for the performance of their duties under the provisions of this Act, shall be allowed a reasonable compensation therefor as the Board of Supervisors may deem proper and just, but in no event exceeding the sum of two hundred (200) dollars to each; and they shall in all things required of them by this Act be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices.

SEC. 16. This Act shall take effect and be in force from and after its passage.

CHAP. CCVIII.—*An Act to authorize the Board of Supervisors of Calaveras County to take and subscribe Fifty Thousand Dollars to the Capital Stock of the Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special election to be held.

SECTION 1. The Board of Supervisors of the County of Calaveras shall order a special election to be held in said county, at the several places for holding elections therein, on the twelfth day of April, A. D. eighteen hundred and sixty-four, for the purpose of submitting to the qualified electors of said county the proposition of authorizing the Board of Supervisors to take and subscribe fifty thousand dollars to the capital stock of the Big

Tree and Carson Valley Turnpike Company, by which turnpike communication shall be completed between a point known as the Big Trees, in said county, and the eastern boundary of the State of California.

Notice to be given.

SEC. 2. Said Board of Supervisors shall cause a notice of at least twenty days to be published in one newspaper printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Said Board shall also cause ballots to be prepared, with the words "Subscription of fifty thousand dollars to the Big Tree and Carson Valley Turnpike" printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition within the same time and in the same manner as provided in case of the election of county officers to the Clerk of said county of the number of votes voting "No," and the number voting "Yes;" which returns so made shall, on the fifth day after said election, be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by said Board of Supervisors, who shall at the time herein prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose and for perfecting the subscription of stock as hereinafter provided.

Form of ballot.

How election shall be conducted.

Supervisors authorized to issue bonds for stock in turnpike road.

SEC. 3. If at the said election a greater number of the said electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then, and in that event, the Board of Supervisors of said county, in the name of said county, are hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the Big Tree and Carson Valley Turnpike Company, a corporation duly organized under the laws of this State, on the third day of April, A. D. eighteen hundred and sixty-two, for the purpose mentioned in section one of this Act, stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said County of Calaveras for the payment of the same in the manner hereinafter provided.

How subscription to be made.

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made and so received and conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise, and for such subscription said bonds shall be received at par, dollar for dollar.

Bonds to issue as required.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of said Turnpike Company, in the same manner and upon the same terms as other stockholders, shall by order direct the Chairman of said Board of Supervisors, the Auditor,

and Treasurer of said county, who for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners to issue bonds in the sums of five hundred dollars for such amount of such subscription to said capital stock as said Board [of] Supervisors may direct. Said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of the said county. The interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio Loan Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of such bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be fixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said turnpike company to whom the same shall be issued. And said committee shall take a receipt from the Secretary of said turnpike company for the bonds so delivered by them, setting forth the number, dates, and amount of the bonds so delivered, and report the same to the Board of Supervisors.

Interest.

How bonds shall be signed.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each bond so that the same may be detached without mutilation to the bond. Said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "cancelled" on the backs thereof, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Supervisors shall levy special tax for liquidation of bonds

SEC. 8. It shall be the duty of said Board of Supervisors, previous to making out of the duplicate of the general assessment list for said county in each year, so long as said bonds shall be outstanding and unpaid, to levy a tax, styled an "interest tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued under the provisions of this Act; and previous to the making out of the duplicate of the general assessment list of said county in the year eighteen hundred and sixty-nine, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated,

the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding twenty cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

First—The interest tax, to the payment of the interest falling due on said bonds;

Second—The Loan Fund, to the redemption of said bonds as hereinafter provided.

Surplus.

SEC. 9. Should there be collected as such interest tax in any one year a sum greater than is required to pay the annual interest on said bonds issued under this Act, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund.

Payment of interest.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due at least thirty days before the time of payment; and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the county for such purposes, and deliver the same to such Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of said county.

Redemption of bonds.

SEC. 11. Whenever at any time there shall be in said Loan Fund a sum of money amounting to two thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time of such publication the Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposal made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise in like manner for a space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of the Board of Supervisors.

When shall cease to draw interest.

Cancelled bonds.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk upon the receipt of such cancelled bonds shall file the same in his office.

Quarterly settlements.

SEC. 13. The County Clerk shall open with the said Commissioners an "Interest Tax Account," and a "Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January of each year.

Pay of officers under this Act.

SEC. 14. The said Commissioners and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall in all things herein required of them be subject to all the liabilities and penalties to which they are subjected on the performance of any other of the duties of their respective offices, and they shall, when the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds to each of said Commissioners shall not exceed eight thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board [of] Supervisors, and filed in the office of the County Clerk.

County stock in turnpike company.

SEC. 15. The said Board of Supervisors shall have authority to empower one or more of their number, or any other person or persons, to cast any or all vote or votes representing the capital stock subscribed by said Board of Supervisors. The said turnpike company shall, on demand, issue and deliver to the said Board of Supervisors, for the use and benefit of said county, certificates of full paid stock in said turnpike company equal in amount to the amount of the county bonds that said Board of Supervisors have or shall have delivered to said turnpike company. The said Board of Supervisors shall have power to sell or cause to be sold the said turnpike company stock at public auction in the Town of Murphys, in the said County of Calaveras, or at the City and County of San Francisco, after the time and place of sale shall have been advertised by publication, once a week, for the period of least four weeks, in two newspapers of general circulation—one published in the County of Calaveras, and the other in said City of San Francisco. The proceeds of such sale or sales of stock, after the payment of the expenses of such sales, shall be paid into the "Loan Fund," to be used and appropriated as in this Act provided.

May sell.

How dividends shall be applied.

SEC. 16. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time,

to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the principal thereof in the manner provided by section eleven of this Act. And after the full payment of the bonds and the interest upon the same, the said dividends, issues, and profits arising from such stock subscription shall be applied as follows: One third part thereof to the School Fund of said county, and the other two thirds to the General Fund.

County not be liable.

SEC. 17. The subscription of stock authorized by virtue of the provisions of this Act shall be made by said Board of Supervisors on the books of said company upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision as to the liability of said county shall be a part of and be expressly stipulated in all contracts made by said company for the construction of said turnpike road; and in case said company should fail or refuse to make such stipulations in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover of said company any previous payment that may have been made thereon at the time of such failure or refusal; and the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 18. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCIX.—*An Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax to be levied for School purposes.

SECTION 1. An annual ad valorem tax of five cents on each one hundred dollars value of all taxable property throughout the State is hereby levied and directed to be collected and paid in the same manner as other State taxes are required to be paid; and said tax shall be called and known as the State School Tax, and the Board of Supervisors of the several counties shall, annually, at the same time other State taxes are levied, add this to the other taxes provided by law to be levied and collected, and it shall be annually collected at the same time and in the same manner as other State taxes are collected; and if from any reason whatever, in any year, said taxes shall not be levied as herein required by the Board of Supervisors, the Auditor shall enter them on the assessment roll as required by law for other

taxes. All moneys derived from the tax herein levied shall be paid into the State School Fund, and be apportioned as other moneys in that Fund.

No fees allowed for collecting same.

SEC. 2. No Tax Collector or County Treasurer shall receive any fees or compensation whatever for collecting, receiving, keeping, or disbursing, any School moneys; but the whole moneys collected shall be paid to the County Treasurer, and by him paid to the State Treasurer at the same time other moneys are paid over.

Appropriation for State Normal School.

SEC. 3. The sum of eight thousand dollars is hereby appropriated, annually, out of any moneys in the General Fund not otherwise appropriated, which said appropriation shall be set apart at the commencement of each fiscal year, to support the State Normal School, and the Controller is hereby directed to draw his warrants from time to time on the State Treasurer, payable out of said annual appropriation, and the unexhausted remainder, if any, of any prior appropriation, for such claims or accounts as have been audited by the Board of Trustees of the State Normal School and the Board of Examiners; *provided*, the aggregate of warrants so drawn shall not exceed, in any one fiscal year, the appropriation herein made for such year, together with the remainder of unused appropriations, if any, of any previous fiscal year or years; and whenever, at the expiration of any fiscal year, a balance remains to the credit of the State Normal School Fund, such balance shall be carried forward and be added to the appropriation for the succeeding year.

Superintendent shall subscribe for School journal.

SEC. 4. Each County Superintendent of Public Schools shall annually subscribe for a sufficient number of copies of a journal, to be designated by the State Superintendent of Public Instruction, devoted exclusively to educational purposes, published in the State of California, to furnish each Board of School Trustees in his county with at least one monthly copy of the same, and shall cause it to be forwarded to the Clerk of the Board of Trustees, who shall keep it filed among the records of his district. The County Superintendent shall pay for such subscriptions an amount not exceeding one dollar per annum for each district, by drawing his warrant, payable out of the County School Fund before such Fund is apportioned to the various districts, for the amount, which warrant shall be countersigned or indorsed by the Auditor, whereupon it shall be paid by the Treasurer. Each County Superintendent shall be allowed, annually, for postage and expressage, a sum equivalent to two dollars for each School District in his county, which shall be paid out of the county School Fund in the same manner as provided for the payment of the annual subscriptions for such educational journal.

To be paid out of County School Fund.

Controller to report amount of School moneys.

School Teachers' reports.

SEC. 5. Hereafter the State Controller shall make his reports to the State Board of Education, of the State School Funds that will be subject to apportionment on the fifteenth day of June and the fifteenth of December; Public School Teachers shall make their annual report to the Trustees and the County Superintendent on or before the first day of September; Public School Trustees shall report to the County Superintendent on or before the fifth day of September, and the County Superintendent shall

report to the Superintendent of Public Instruction on or before the first day of October.

Course of studies to be taught.

SEC. 6. Orthography, reading, writing, arithmetic, and geography, shall be taught in all Public Schools; and in each School above the grade of Primary, there shall also be taught English grammar, History of the United States, and physiology and hygiene, and in such Schools as the Trustees may direct, algebra, geometry, drawing, natural philosophy, natural history, astronomy, and the elements of bookkeeping, or such of these studies as the Trustees direct shall be taught; and the State Board of Education shall adopt a text book on physiology and hygiene.

Providing for levying special tax in School districts.

SEC. 7. When the State and county money to which any district is entitled is not sufficient to keep a School open in such district for at least five months in each year, it is hereby made the duty of the Trustees of such district to levy and they shall levy a direct tax upon the taxable property in such district, sufficient to raise an amount which, together with the State and county money to which such district is entitled, will keep a School open five months; and such tax shall be assessed, equalized, and collected, in the manner prescribed for assessing, equalizing, and collecting taxes voted for District School-houses, excepting that the Trustees may appoint the Assessor and Collector, and also excepting, that if a fractional part of a cent is sufficient, the whole cent need not be levied in lieu thereof; the tax so levied shall include a sum sufficient to pay the cost of assessing and collecting.

Neglect of Trustees to keep School open.

Duty of Superintendent

SEC. 8. If at any time when there is sufficient money in the County Treasury to the credit of any School District to keep a School open in said district for a period of five months, and if the Trustees of such district, from any cause whatever, fail, neglect, or refuse to open such School and keep it open, the County Superintendent shall appoint a Teacher and cause the School to be opened and kept open, and he shall pay therefor, by his warrant on the Fund, to the credit of the district.

Mode of assessing and collecting special tax.

SEC. 9. Each Assessor of School District taxes shall use, in making out his assessment roll of taxable property in the district, as far as practicable, the last previous equalized assessment roll of the County, Township, or District Assessor. Each Collector of School District taxes shall give a bond to The People of the State of California, joint and several in form, with similar sureties as are required on other official bonds; such bond shall be in such penal sum as the Trustees may direct, and shall be approved by them. The District Trustees, upon receiving any assessment roll, shall give five days notice thereof, by posting notices for the time, in the manner provided in section thirty-seven of the Act to which this is supplementary, and then sit three days as a Board of Equalization, and shall, during such three days, have the same power as County Boards of Equalization to equalize the assessed value of the property, and are hereby authorized to add to said roll any person or property within the district liable to taxation, which may have been omitted in the enrolment; and they shall determine in the manner prescribed in section thirty-seven of the Act to which this is supplementary, from such equalized roll, the rate of taxation

How rate of taxation shall be determined.

after the equalization of said roll, and after the percentage of such tax is fixed, as provided by section thirty-seven of the Act to which this is supplementary. It shall be the duty of the Secretary of the Board of Trustees of the district to enter upon said roll the amount of such tax against each parcel of property, and the total of said tax against each person enrolled thereon, for which he shall be entitled to a compensation, to be fixed by the Board of Trustees, not to exceed ten cents per folio for the writing required hereby, to be paid out of the tax collected

SEC. 10. Section thirty-nine of the aforesaid Act of April sixth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

How moneys may be disbursed.

Section 39. Moneys collected from a direct tax in any district may be paid into the County Treasury to the credit of such district, or if the Trustees so direct, it may be retained by the Collector, and be by him paid out upon the warrant of a majority of the Trustees, in which case the Trustees, if they deem it expedient, may extend the time for the collecting of the tax by said Collector, as provided in section thirty-eight of the Act to which this is supplementary, not to exceed ninety days from the time of the commitment thereof; *provided*, however, that prior to the close of the School year the Collector shall pay over to the Treasurer all moneys then in his hands, and shall at the same time make his report in triplicate, setting forth:

Collector shall report.

First—The whole amount of the tax assessed, and the date of its commitment.

Second—The amount of the tax collected. And,

Third—A specific statement of all the warrants that have been drawn on him by the Trustees and paid by him, with their several amounts and dates, and the date of each payment.

Said reports shall be made by him to, severally, the County Superintendent, County Auditor of the county, and to the Board of Trustees of the district. The compensation of the Assessor and Collector shall be fixed by the Trustees, and be paid out of the tax collected.

SEC. 11. Section forty-two of the aforesaid Act of April sixth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

As to creating new School districts.

Section 42. Whenever at least ten heads of families petition the County Superintendent for the organization of a new School District, or for a subdivision of or change in the boundaries of an old one, that officer shall transmit the petition to the Supervisors, with his approval or disapproval of the proposition indorsed thereon. Upon receiving any such petition, the Supervisors shall have power to establish, alter, or modify the district or districts in accordance with the prayer of the petition; *provided*, however, that if the Superintendent disapproved, the Supervisors shall not grant the petition except by a vote of a majority of all the members elect of the Board, nor until at least one month's notice is given to the district to be affected thereby, in such mode as the Supervisors shall order; and, *provided*, further, that no district shall be considered as being organized, or be entitled to any pro rata of the moneys standing to the credit of the district from which it was separated or of which it is a subdivision, until a Public School has been

actually commenced in such new district; and, *provided*, further, that unless such new School is commenced within sixty days from the action of the Supervisors making such new district, the order making the new district shall be void, and no such district shall exist.

SEC. 12. Section sixty-three of the aforesaid Act of April sixth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Section 63. The Board of Supervisors of each county shall annually, at the time of levying other county taxes, levy a county School tax, equal to two dollars, for each child between four and eighteen years of age within the county, and the amount so necessary shall be ascertained as follows: Fifteen per cent shall be deducted from the equalized value of the then last general assessment roll, and the percentage on the net amount so found necessary to raise a sum equal to two dollars for each child between the ages of four and eighteen in the county, as per the then last School census—*provided*, that the County Superintendent shall have power to order a new census to be taken, if in his judgment the cause of education demands the same to be done—shall be the rate to be levied; *provided*, that if any fraction of a cent occurs it shall be taken as a full cent, and if in any year the Supervisors, from any cause, do not make the levy, then the Auditor shall make the calculation, and add the tax to the assessment roll, as is provided he shall do in cases when a levy is made by law and the rate is fixed. And the Board of Supervisors may annually levy a greater tax than that hereinbefore in this section required to be levied; *provided*, that if such greater tax is raised, the whole amount levied shall not exceed thirty cents on the one hundred dollars valuation; and the money raised under the provisions of this section shall be used to support the Public Schools, provide School-houses, and to purchase libraries, apparatus, and furniture.

Supervisors shall levy a county School tax.

Duty of Auditor.

SEC. 13. Section sixty-eight of the aforesaid Act of April sixth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Section 68. Negroes, Mongolians, and Indians, shall not be admitted into the Public Schools; *provided*, that upon the application of the parents or Guardians of ten or more such colored children, made in writing to the Trustees of any district, said Trustees shall establish a separate School for the education of Negroes, Mongolians, and Indians, and use the Public School funds for the support of the same; and, *provided*, further, that the Trustees of any School District may establish a separate School, or provide for the education of any less number of Negroes, Mongolians, and Indians, and use the Public School funds for the support of the same, whenever in their judgment it may be necessary for said Public Schools.

Negroes, etc not to be admitted to Public Schools.

Trustees may establish Schools for same.

SEC. 14. Sections seven, eighteen, and thirty-second of the aforesaid Act of April sixth, eighteen hundred and sixty-three, and all Acts and parts of Acts conflicting with the provisions of this Act, are hereby repealed.

Repealing clause.

SEC. 15. This Act shall take effect from and after its passage.

CHAP. CCX.—*An Act to authorize the Transfer of certain Funds from the Current Expense Fund to the Jail Fund, in the County of Los Angeles.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Treasurer to transfer certain funds.

SECTION 1. The Auditor of the County of Los Angeles is hereby authorized and required to order the Treasurer of said county to transfer five thousand dollars of the money known as the Current Expense Fund to the Jail Fund, out of the first moneys received into the said Current Expense Fund.

SEC. 2. The Treasurer of the County of Los Angeles is hereby authorized and required to execute all orders of the Auditor of said county in pursuance of this Act; *provided*, that all or any part of said sum so transferred shall be appropriated and expended for payment of indebtedness for support of Jail only, from the first day of November, eighteen hundred and sixty-three.

Return of moneys.

SEC. 3. The Auditor of the county is hereby authorized and required to pay to said Current Expense Fund the five thousand dollars, or any part thereof, drawn from it by this Act, out of the first moneys received into the Jail Fund of said county.

SEC. 4. This Act shall take effect and be in force immediately after its passage.

CHAP. CCXI.—*An Act in relation to Roads and Road Masters in Solano County.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road Overseers to give bonds.

SECTION 1. Previous to entering upon the duties of his office, each Road Master in Solano County shall give bonds for the faithful performance of his duties, with two sureties, and in such sum as may be established by the Board of Supervisors of said county, said bond to be filed in the office of the County Clerk.

Duty of Overseers.

SEC. 2. It shall be the duty of the Road Master of each district, upon having given the notices required to be given by section fifteen of an Act of the Legislature of the State of California, entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, passed May sixteenth, eighteen hundred and sixty-one, to proceed immediately to collect the sum of two dollars for each day's work required by said notice from each person refusing or neglecting to perform said work or to furnish a substitute; *provided*, that the party so notified may in lieu of such attendance in person

or by substitute pay to the Road Master a sum equivalent to two dollars per day for the time for which his services may be required by the notice, taking the receipt of said Road Master for so many days work.

To enforce collection of road taxes.

SEC. 3. To enforce the collection of said road tax the Road Master may and shall seize so much of any and every species of personal property whatever claimed by any person so notified, liable, and refusing or neglecting to perform said work, or furnish a substitute, or pay the sum of two dollars for each day's work required as aforesaid, or property in the possession of or due from any other person, and belonging to such person so refusing or neglecting as aforesaid, as will be equivalent to two dollars for each day's work due from such person, and costs of seizure, and shall and may sell the same, at any time or place, upon giving a verbal notice one hour previous to such sale; and any person indebted to another liable to pay said road tax, but who has neglected or refused as aforesaid to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Road Master of a notice in writing, stating the name or names of the person or persons so liable and owing road tax, and such debtor may deduct the amount thereof, with the costs of serving said notice, which shall be one dollar, (and for which he shall be equally responsible,) from such indebtedness. The Road Master, after deducting the tax for which such property was sold and the costs aforesaid, shall return the surplus, if any, to the owner of the property. A delivery of the possession of the property by the Road Master to any purchaser at any such sale shall be a sufficient title in the purchaser.

How to be expended.

SEC. 4. The funds accruing in the hands of the Road Master by the provisions of this Act may be appropriated by him to the necessary repair of roads and bridges in his district, and he shall report to the Board of Supervisors at such times as they may require, all receipts and expenditures on account of roads.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCXII.—*An Act to fix the Salary of the Superintendent of Public Schools of the County of Sutter.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of Superintendent

SECTION 1. The County Superintendent of Public Schools of the County of Sutter shall hereafter receive for his official services a salary of three hundred and fifty dollars per annum, payable quarterly out of the County Treasury, which shall be audited, allowed, and paid in the same manner as other claims for salaries or compensation of county officers.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXIII.—*An Act to amend an Act entitled an Act providing for the Government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-three of said Act is amended so as to read as follows:

As to making or approving contracts and allowing claims.

Section 43. It shall be unlawful for the Supervisors to make or allow, or for the Auditor to approve, any contract, claim, or account, accrued during any period for which the estimate mentioned in the next preceding section has been made, when such contract, claim, or account, added to all the contracts, claims, and accounts previously made, accrued, allowed, or approved, and such as are fixed by law, payable out of the General Fund, (exclusive of all claims, contracts, or accounts made, accrued, allowed, or approved, prior to the first Monday in March, eighteen hundred and sixty-four,) will amount to sixty per centum of the official estimate; *provided*, that the Auditor shall draw his warrant on the General Fund for all contracts, claims, or accounts that have been or may be allowed by the Board of Supervisors which have accrued between the eighteenth day of May, eighteen hundred and sixty-three, and the first Monday in March, A. D. eighteen hundred and sixty-four; and every pretended contract, claim, or account, attempted to be made, allowed, or approved, contrary to the provisions of this section, shall be and it is hereby declared and determined to be a fraud, and wholly void against the county, either as an agreement or contract, or as the foundation of a *quantum meruit* or *quantum valebat*;

As to violation of this section.

and each Supervisor who votes to make or allow and the Auditor who approves any such contract, claim, or account, shall be guilty of a misdemeanor, and on conviction his office shall become vacant, and he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment; and each Supervisor who votes to make or allow and the Auditor who approves such contract, claim, or account, shall be personally liable to the party of the other part for the payment thereof; *provided*, however, that the prohibition of this section shall not apply to the allowing and approving of claims fixed by law, or of payments required by law to be made, nor shall it apply, so far as such additional moneys are concerned, when there are moneys received beyond the estimate. If any officer required by section forty-two to make an estimate fails, neglects, or refuses to do so at the proper time, his office shall be declared vacant, and he shall be proceeded against for misdemeanor, and be punished by fine or imprisonment, or both, not exceeding the extent to which Justices' Courts have jurisdiction.

SEC. 2. This Act shall take effect from and after the first Monday in March, A. D. eighteen hundred and sixty-four.

CHAP. CCXIV.—*An Act to provide for the Liquidation of the Indebtedness of the City of Sacramento, which accrued prior to January first, eighteen hundred and fifty nine.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of liquidating certain claims against the City of Sacramento herein specified, the Board of Trustees of said city are hereby authorized and required to issue bonds, payable to bearer on the first day of February, one thousand nine hundred and three, which bonds shall be dated May first, eighteen hundred and sixty-four, and bear interest from the first day of January, eighteen hundred and fifty-nine, at six per cent per annum, payable annually on the first day of January, at the office of the City Treasurer. Supervisors shall issue bonds.

SEC. 2. The holders of all claims against the City of Sacramento which accrued prior to the first day of January, eighteen hundred and fifty-nine, may present the same to the Board of Trustees, and said Board shall cause to be issued bonds for all such claims as they may, upon examination, consider legal and just, which bonds shall not be for less than one hundred dollars, nor for any fractional part of one hundred dollars, and shall have coupons for the annual interest attached; and coupon Number One shall be for the interest due on the bond to which it is attached for the term of six years, and payable on the first day of January, eighteen hundred and sixty-five. Said bonds shall be signed by the President, and countersigned by the Clerk of the Board of Trustees, and the seal of the city attached, and the coupons shall be numbered to correspond with the bonds, and signed by the City Treasurer, and the Treasurer may issue certificates for fractional parts of one hundred dollars, which shall be transferable and fundable as other claims. Indebtedness created prior to 1859

SEC. 3. The Clerk of the Board of Trustees shall keep a record of all claims presented for funding under the provisions of this Act, and shall indorse on each claim presented the date of its reception, from whom, and the number and denomination of the bond or bonds issued for the same, and such claim shall be cancelled and preserved in the office of said Clerk; and all books and stationery used in issuing said bonds shall be paid for out of the General Fund of the city. Clerk shall keep record.

SEC. 4. Said bonds and coupons, when issued, shall be payable and redeemable in the same manner and out of the same Fund as the bonds issued by virtue of an Act of the Legislature of the State of California, entitled an Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight. How bonds shall be redeemed.

SEC. 5. This Act shall take effect immediately.

CHAP. CCXV.—*An Act repealing an Act entitled an Act making Orders or Warrants drawn on the County Treasurer of Stanislaus County, and payable out of the County Revenue, receiveable in payment of County Taxes and dues in said County, approved April seventh, eighteen hundred and fifty-seven.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealing certain Act.

SECTION 1. An Act entitled an Act making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receiveable in payment of county taxes and dues in said county, approved April seventh, eighteen hundred and fifty-seven, is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXVI.—*An Act to amend an Act entitled an Act to make certain Offices in Calaveras County Salaried Offices, approved April twenty-fifth, A. D. eighteen hundred and sixty-three.*

[Approved March 22, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Deputies of Sheriff.

Section 5. The Sheriff shall be allowed the following Assistants, to be paid by the county: One Under Sheriff, to be paid at the rate of one hundred and fifty dollars per month; one Deputy, to be paid at the rate of two hundred dollars per month; one Keeper of the Jail, to be paid at the rate of one hundred dollars per month; any other Deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff, from his salary, as herein provided; *provided*, that he may summon one Constable, whose duty it shall be to attend the sittings of the District and County Courts, and act as Deputy Sheriff, for which service he shall receive such compensation as the Board of Supervisors may allow, not to exceed the sum of five hundred dollars in any one year, which compensation shall be paid out of the Salary Fund herein provided.

SEC. 2. Section six of said Act is hereby amended so as to read as follows:

Deputies of CountyClerk

Section 6. The County Clerk shall be allowed two Deputies, who shall be paid by the county, at the rate per month of one hundred and twenty-five dollars to each. The Board of Supervisors may authorize the Clerk to employ special Deputies, whenever in their judgment, it shall be necessary; *provided*, how-

ever, that the pay of such special Deputies shall not exceed in the aggregate the sum of five hundred dollars per annum.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCXVII.—*An Act to regulate the Fees and fix the Salaries of certain Officers in the County of Santa Clara.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Such fees or salary shall be allowed to the officers hereinafter named within the County of Santa Clara, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same. Fees of certain officers.

SEC. 2. The County Clerk, as the Clerk of the District Court, shall receive: Clerk of District Court.

For entering each suit on the Clerk's register of actions, and making the necessary entries thereon during the progress of the trial, for each folio, fifteen cents. Civil cases.

For issuing every writ or process under seal, forty cents.

For issuing subpœna for one or more witnesses, twenty cents.

For filing each paper, fifteen cents.

For entering every motion, rule, order, or default, twenty cents.

For entering every discontinuance, dismissal, or non-suit, twenty cents.

For entering every cause on the calendar, and making a copy thereof for the bar for each term of the Court, twenty-five cents.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, forty cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, fifteen cents.

For filing judgment roll, twenty cents.

For entering judgment on judgment docket, twenty cents.

For entering satisfaction of judgment, forty cents.

For administering every oath or affirmation, fifteen cents.

For certifying every oath or affirmation, fifteen cents.

For copy of proceeding or record of paper, for each folio, fifteen cents.

For every certificate under seal, forty cents.

For searching the files of each year in his office, but not to charge suitors and Attorneys, twenty-five cents.

For issuing every commission to take testimony, fifty cents.

For taking down testimony of witnesses during the trial, for each folio, fifteen cents—to be paid by the party requiring the same.

For issuing every execution or other final process, forty cents.

For issuing every decree or order of sale of mortgaged property, forty cents.

For issuing writ of injunction or attachment, forty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents.

For taking each bond required by law, forty cents.

For taking justification thereto, twenty-five cents.

For acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, one dollar; for each additional name, fifteen cents.

Criminal cases. When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, when the charge is misdemeanor, three dollars. He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, fifteen cents; for the trial of each issue where the charge is felony, five dollars.

Of County Court. SEC. 3. As Clerk of County Court, for filing all papers sent on appeal from Justices' Court, in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed in the District Court for similar services.

Of Probate Court. SEC. 4. As Clerk of the Probate Court, for issuing letters testamentary or of administration, forty cents.

For certificate of appointing Appraisers or Guardians, forty cents.

For writing and posting notices when required, for each copy, forty cents.

For recording wills, per folio, fifteen cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, forty cents.

Of Recorder. SEC. 5. The County Recorder shall receive, for recording any instrument, paper, or notice, when required, for each folio, fifteen cents.

For copies of any record or paper, per folio, fifteen cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents.

For making in the several indexes required all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty cents.

For every certificate under seal to copies of papers or records in his office, when required, forty cents.

For every entry of discharge of mortgage on margin of record, forty cents.

For searching records and files of each year in his office, when required, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, fifteen cents.

For recording every town plat, for every course, ten cents.

For figures and lettering plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, one dollar; and for each additional one, twenty cents.

For filing and entering a minute of certificate of Sheriff's sale, forty cents.

For filing and entering a minute of certificate of tax sale, forty cents.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing the same if required, twenty cents.

Salary of Auditor.

SEC. 6. The County Recorder, as ex officio County Auditor, shall receive for all services required of him in his office, or by virtue of his office, a salary at the rate of eight hundred dollars per annum, to be paid quarterly out of the General Fund of the County.

Of Treasurer.

SEC. 7. The County Treasurer, for all services required of him by law, or by virtue of his office, shall receive a salary at the rate of two thousand five hundred dollars per annum, to be paid quarterly from the General Fund of the county.

Fees of Collector.

SEC. 8. The County Collector shall collect all taxes and licenses of every kind required of him by law, and shall receive for collecting all licenses and poll taxes the per centage allowed under the general revenue laws of this State, and for collecting all property taxes he shall receive one per cent on all moneys collected and paid over to the Treasurer, and he shall receive no other compensation whatever for making out delinquent list, or for performing any duty required of him by law.

Fees of certain officers to be paid into the County Treasury.

SEC. 9. The officers named in the sixth, seventh, and eighth sections of this Act shall collect and safely keep all fees, commissions, and percentage, now allowed by law for services rendered by them in their several official capacities, except for such services as the county or State is chargeable with, and upon the first Monday of each month shall pay over the same to the County Treasurer, which shall become a part of the General Fund of the county, and any compensation or allowance made by the general revenue or other laws of the State out of the State Treasury or Funds to the Auditor, Treasurer, or Collector, shall hereafter be retained in or be paid into the County Treasury as a part of the General Fund of the county, except the mileage allowed by the State to the County Treasurer, which mileage he shall be entitled to receive and retain to his own use.

Salaries to be paid quarterly.

SEC. 10. On the first Monday of the regular quarterly meeting of the Board of Supervisors, the officers to whom salaries are due may make out and present to the Board of Supervisors the account of their services, as provided in this Act; and if it shall appear to the satisfaction of the Board that said officers have complied with the provisions of this Act, they shall allow and order paid, out of any money in the Treasury not set apart for any specific purpose, the amount severally due them; *provided*, no salary shall be paid in advance.

SEC. 11. This Act shall take effect and be in force from and

after the first Monday in March, one thousand eight hundred and sixty-six.

SEC. 12. All Acts and parts of Acts in conflict or inconsistent with the provisions of this Act, so far as the same relates to the officers hereinbefore named in the County of Santa Clara, is hereby repealed.

CHAP. CCXVIII.—*An Act to provide for the construction of a Wagon and Turnpike Road in the Counties of Fresno and Mono.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to construct toll road granted.

SECTION 1. Henry Smith, J. J. Coddington, William Sharron, G. F. Whiteman, R. M. Wilson, and their associates and assigns, are hereby authorized to construct and maintain a wagon and turnpike road between the Town of Millerton, in the County of Fresno, and the Town of Owensville, in the County of Mono; said road commencing at the Town of Millerton and running up or near the San Joaquin River, crossing the Sierra Nevada Mountains at or near the head of Bishop's Creek, and thence by the most practicable route to the town of Owensville, Mono County; and the said grantees, and their associates and assigns, are hereby authorized to bridge the San Joaquin and Owens Rivers at such points as the said road may cross the same, and collect such tolls upon said road, for the period of twenty years from and after the completion thereof, as may be fixed by the Board of Supervisors of the counties [of] Fresno and Mono; *provided*, however, that such rates of toll shall not be so reduced as to produce an income of less than fifteen per cent per annum upon the cost of constructing said road and bridges over and above the expense of collecting the tolls and keeping said road and bridges in repair; *provided*, further, that said company shall be authorized to collect tolls to be fixed as in this section provided, upon any ten miles of said road, as soon as such portion thereof shall be completed; and, *provided*, further, that the survey and location of said road shall be commenced within six months after the passage of this Act, and the entire line of said road shall be completed within three years from and after the passage of this Act, otherwise the rights herein granted shall be forfeited and the Act become null and void.

May collect tolls.

When to be finished.

Right of way.

SEC. 2. Said company shall have the right of way over and along the route of said road, and shall have all the rights to enter upon and occupy private lands necessary to the location thereof, and to take and use any timber, rock, earth, or other material necessary to the construction and repair thereof, which are conferred upon railroad companies by an Act for the incor-

poration of railroad companies, approved May twentieth, Anno Domini eighteen hundred and sixty-one.

Opening road.

SEC. 3. It shall be lawful for said company to throw open their road for such period as they may deem proper, by giving one week's notice by publication in a newspaper published in said counties of the date of such opening, and during the time that said road remains so open said company shall not be required to keep the same in repair, and shall not be liable for damages accruing in consequence of defects therein, and shall collect no tolls thereon during such time.

SEC. 4. The Act of May twelfth, A. D. eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, is hereby made applicable to said company, except so far as it may conflict with the provisions of this Act.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCXIX.—*An Act relating to Appeals.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appeals to act as stay of proceedings.

SECTION 1. In addition to appeal provided for by section three hundred and thirty-six of an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, A. D. eighteen hundred and fifty-one, an appeal may be taken from the judgment or decree of the Court in cases of partition, which determines the right of the several parties and directs partition to be made; *provided*, that upon the filing the bond mentioned in section three hundred and forty-eight of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, all proceedings in the case pending the appeal shall be stayed.

CHAP. CCXX.—*An Act for the Relief of Miss M. H. Bowne.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Superintendent to draw warrant.

SECTION 1. The Toulumne County Superintendent of Common Schools is hereby authorized and required to draw his warrant in favor of Miss M. H. Bowne for the sum of two hundred and six dollars and four cents, to be paid out of any money now on hand or which may hereafter come into the hands of the

County Treasurer, belonging to the Springfield School District in said county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXI.—*An Act to amend an Act approved May second, eighteen hundred and sixty-two, entitled an Act to grant the right to construct a Turnpike Road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of this State.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Right to construct turnpike road.

Section 2. The said company shall have full power to build and maintain a turnpike road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of the State of California, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company for the term of twenty years; and the State enters into these covenants and grants these rights and privileges upon the express condition that within one year from the passage of this Act, the said company shall commence and within four years complete the said turnpike road; *provided*, that this road shall not interfere with or obstruct the present county roads.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCXXII.—*An Act granting to James L. Hall and his associates the right to lay down and maintain Gas Pipes in the Town of Brown's Valley, in Yuba County.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to lay down gas pipes.

SECTION 1. James L. Hall, S. C. Hutchin, and H. C. Melbourne, their associates and assigns, are hereby authorized and empowered to lay down gas pipes in and through the streets of the Town of Brown's Valley, Yuba County; *provided*, that without unnecessary delay, the above named persons shall place said streets in as thorough order and repair as they shall have been previous to the laying of said pipes.

SEC. 2. The exclusive right and privilege of supplying said Town of Brown's Valley and its inhabitants with gas, is hereby granted and confirmed to the persons named in the foregoing section of this Act for the full term of fifteen years from and after the date of its approval; *provided*, that at no time during that period the price of gas charged to the consumers thereof shall exceed the sum of twelve dollars per thousand feet; and *provided*, further, that the said parties shall commence the construction of the said gas works within six months after the passage of this Act, and without unnecessary delay complete the same. Exclusive right.

SEC. 3. This Act shall take place in ten days after its passage.

CHAP. CCXXIII.—*An Act supplementary and amendatory of an Act entitled an Act to amend an Act entitled an Act to authorize the construction of a Wagon Road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County, approved April thirteenth, A. D. one thousand eight hundred and sixty-three.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is amended so as to read as follows:

Section 3. The said road shall be surveyed and completed on or before the thirty-first day of October, eighteen hundred and sixty-five, either wholly or to the summit of said mountain, and shall not hinder, or obstruct, nor interfere with any other travelled road in said county. When road shall be completed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXIV.—*An Act granting further powers to the Board of Supervisors of the County of Sacramento.*

[Approved March 23, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Supervisors of the County of Sacramento to lease, for such sums and length of time as they may deem proper, the building known as the Agricultural Hall, situate on the corner of Sixth and M streets, in the said City of Sacramento. The money received for the rent of said building May lease Agricultural Hall.

shall go into a Fund known as the Agricultural Hall Fund, and be used only for repairs and improvements made upon said building and the grounds connected therewith; *provided*, however, that nothing in this Act shall change or modify any contract or lease that may have been previously made with the State Agricultural Society.

SEC. 2. This Act shall be in force and effect from and after its passage.

CHAP. CCXXV.—*An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to Personal Mortgages in certain cases, passed May eleventh, one thousand eight hundred and fifty-three, approved April twenty-ninth, one thousand eight hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, one thousand eight hundred and sixty-three.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amends section 1.

SECTION 1. Section one of the Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, one thousand eight hundred and fifty-three, approved April twenty-ninth, one thousand eight hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, one thousand eight hundred and sixty-three, is hereby amended so as to read as follows:

In regard to chattel mortgages.

Section 1. Chattel mortgages may be made on the following property to secure the payment of just indebtedness: Upholstery and furniture used in hotels and public boarding houses, when mortgaged to secure the purchase money of the identical articles mortgaged, and not otherwise; saw mill, grist mill, and steamboat machinery, tools and machinery used by machinists, foundry men, and other mechanics; steam boilers, steam engines, locomotives, engines, and the rolling stock of railroads, printing presses, and other printing material, instruments and chests of a surgeon, physician, or dentist, libraries of all persons, machinery and apparatus for mining purposes. No mortgage made by virtue of this Act shall have any legal force or effect (except between the parties thereto) unless the residence of the mortgagor and mortgagee, their profession, trade, or occupation, the sum to be secured, the rate of interest to be paid, when and where payable, shall be set out in the mortgage, and the mortgagor and mortgagee shall make affidavit that the mortgagee is bona fide, and made without any design to defraud or delay creditors, which affidavit shall be attached to such mortgage.

CHAP. CCXXVI.—*An Act in relation to the Recorder of the City of Petaluma.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Recorder of said city shall hereafter be elected in the manner and at the time specified and provided in the Charter of said city for the election of a Recorder and other officers; and Josiah Chandler, Esquire, who was, at the municipal election held in said city on the third Monday of April, A. D. eighteen hundred and sixty-three, duly elected Recorder of said city, is hereby continued in said office until the next municipal election, to be held in said city on the third Monday of April, A. D. eighteen hundred and sixty-four, and until his successor is elected and qualified. Term of City Recorder.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXVII.—*An Act to fix the Compensation of the District Attorney for the County of Fresno.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney for the County of Fresno shall receive for his services, annually, such sum, not exceeding eight hundred dollars, as may be allowed by the Board of Supervisors of said county, which shall be audited and paid monthly, as other salaries are by law audited and paid. Salary of District Attorney.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXVIII.—*An Act to prevent Hogs running at large in certain Counties of this State.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the provisions of an Act entitled an Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and sixty-three, are hereby extended to the Counties of Sutter, (*provided*, in the County of Sutter this Act shall only be in force from the Extending provisions of Act.

fifteenth day of November of each year to the fifteenth day of August following,) and San Joaquin, Yolo, San Mateo, Santa Cruz, Santa Barbara, San Luis Obispo, San Bernardino, Tuolumne, and the same are revived and continued in full force in said last named counties.

CHAP. CCXXIX.—*An Act supplementary to an Act to audit and allow the claim of T. J. A. Chambers, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriating money.

SECTION 1. The sum of eleven hundred and fifty-two dollars and twenty-five cents is hereby appropriated, out of any money in the General Fund not otherwise appropriated, and the Controller of State required to draw his warrant for the same in favor of T. J. A. Chambers, said sum having been audited and allowed by an Act approved April twenty-fifth, eighteen hundred and sixty-two.

SEC. 2. This Act shall be in force and take effect from and after its passage.

CHAP. CCXXX.—*An Act to provide for the payment of a judgment recovered in favor of John Dunn against the City of San Francisco.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to ascertain amount of judgment.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered to ascertain the amount which the City and County of San Francisco is indebted upon a judgment recovered by John Dunn against the City of San Francisco on the fourth day of April, eighteen hundred and fifty-seven, for three thousand three hundred and twenty dollars and costs, which was afterwards affirmed by the Supreme Court on the second day of August, eighteen hundred and sixty-one.

Providing for payment

SEC. 2. If the Board of Supervisors of the City and County of San Francisco shall ascertain that said judgment is final and unpaid, they are hereby empowered to allow said demand and make provisions for the payment of the same, and the Auditor of said city and county shall thereupon audit and the Treasurer pay said demand to said John Dunn or his assigns.

SEC. 3. This Act to take effect from and after its passage.

CHAP. CCXXXI.—*An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, approved April twentieth, eighteen hundred and sixty-three.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fortieth section of said Act is hereby amended so as to read as follows:

Section 40. Every such Commissioner shall have power: Power of Court Commissioner.

First—To hear and determine ex parte motions for orders and writs (except orders or writs of injunction) in the District and County Courts of the county for which he may be appointed.

Second—To take proof and report his conclusions thereon as to any matter of fact other than an issue of fact raised on the pleadings upon which information is required by the Court; but any party to the proceedings may except to such report within four days after the same shall have been filed, and may argue his exceptions before the Court on giving notice of motion for that purpose.

Third—To take and approve bonds and undertakings whenever the same may be required in actions or proceedings in such District and County Courts, and to examine the sureties thereon when an exception has been taken to their sufficiency, and to administer oaths and affirmations and take affidavits and depositions in any action or proceedings in any of the Courts of this State, or in any matter or proceeding whatever.

Fourth—Any matter or proceeding that may have been referred to any such Commissioner, other than such as are herein specified, shall by the operation and effect of this Act be returned to the proper Court, and all power and authority of the Commissioner over the same shall cease and terminate. Restrictions

Fifth—No power shall be exercised by any such Commissioner except as herein provided.

SEC. 2. Said Court Commissioners shall be entitled to charge and receive for their services the following fees, to wit: Fees of Commissioner.

For hearing and determining every ex parte motion for any order or writ, as aforesaid, two dollars.

For taking proofs and reporting his conclusions thereon as to any matter of fact, as above provided, upon which information is required by the Court, three dollars.

For every day necessarily spent in the business of the reference in such case, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, three dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, fifty cents.

For taking and certifying depositions, twenty cents per folio. Said fees to be paid by the party by whom or at whose instance the matter may be brought before such Commissioner, or if referred by the Court without motion from either party, or if by consent of the parties, then by the plaintiff, the fees so paid to be taxed as costs, if the party paying the same be the prevail- By whom paid.

ing party. Said Commissioners shall have the right to demand their fees as aforesaid at the time the services are rendered, and may retain any and all papers in cases where such fees are due until the same are paid.

SEC. 3. This Act shall not apply to the First, Fifth, Seventh, Thirteenth, Eleventh, and Sixth Judicial Districts, nor any Courts therein.

SEC. 4. This Act shall take effect immediately.

CHAP. CCXXXII.—*An Act to amend an Act entitled an Act supplemental to an Act entitled an Act to provide for the Reclamation and Segregation of Swamp and Overflowed and Salt Marsh and Tide Lands donated to the State of California by Act of Congress, approved May thirteenth, one thousand eight hundred and sixty-one, approved April eleventh, eighteen hundred and sixty-two.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

On completion of survey of Swamp Land District.

Section 1. Upon the completion of the survey and estimates of the cost of permanent reclamation of a Swamp Land District established or to be established by the Board of Swamp Land Commissioners, it shall be the duty of said Board of Commissioners to procure from the Register of the State Land Office a certified statement of the amount of money paid into the Swamp Land Fund of the State by the purchasers of land within such district, and of the amount due as principal and interest, and the number of acres remaining unsold. Also, to procure from the Board of Supervisors of any county or counties within which such district or part of district may be situated, a certified statement of the amount of money to be derived from any tax levied on real estate and improvements on real estate within their county, and within the boundaries of such district, for reclamation purposes, less the costs of collection and County Treasurer's percentage, and to file said statements, together with map and list of the Swamp and Overflowed, Salt Marsh, or Tide Lands included in such district, with the Controller of State. Said Board shall also file a statement of the amount of money that has been expended in the survey of said district, and in other expenses incidental thereto; and the money then in or thereafter received in the Swamp Land Fund as having been paid by the purchasers of land within the district thus certified, less the amount expended in the survey, shall be set apart by the Controller and Treasurer of State from the Swamp Land Fund as a Special Fund to the credit of such district, to be applied in the reclamation of said district, as is provided in the Act to which this is supplemental; *provided*, that in no case shall more than one dollar for each acre of the

Amount of money to be derived.

Amount expended.

Proviso.

Swamp, Tide, or Marsh Land in such district be thus set apart from the Swamp Land Fund, excepting that where more than one dollar per acre is paid, as is hereinafter provided, the whole sum so paid shall be thus set apart; *provided*, further, that the salaries of Commissioners, and all general expenses not properly chargeable to a particular district, shall be paid from the Swamp Land Fund; and upon the final reclamation of a district, the Commissioners shall ascertain the amount of such expenses properly chargeable to the tract of land so reclaimed, and certify the same to the Controller, whereupon such amount so ascertained shall be transferred by the Treasurer and Controller from the Fund of the district to the Swamp Land Fund.

Salaries and expenses.

SEC. 2. Section four of the above entitled Act is hereby amended so as to read as follows:

Section 4. If from the report and estimates of the Engineer, and after the approval of the plan of reclamation by the Board of Commissioners, it shall appear that the amount in the State Treasury to the credit of a district be not sufficient to reclaim said district, the Board of Supervisors of each county in which such district or part of a district may be situated shall and they are hereby required, upon presentation of a petition from the holders of patents or certificates of purchase of Swamp, Tide, or Marsh Lands within the district representing one third in acres of the whole of said district, levy a tax on all real estate and improvements on real estate within their county and within the boundaries of such district, including only real estate and improvements to be protected from overflow by the reclamation of such district, which tax shall in the aggregate, when added to the amount in the State Treasury to the credit of such district, equal the amount of the cost of permanent reclamation as estimated and returned by the Engineer for said district. And when any such tax is levied by the Board of Supervisors of any county or counties in which such district or part of district is situated, the Board of Supervisors levying the same shall make to the Board of Swamp Land Commissioners a certified statement of the amount of money to be realized from such tax, less the costs of collection and County Treasurer's percentage, which certified statement shall be filed by the Swamp Land Commissioners with the Controller of State, as provided in section one of this Act, and shall be a sufficient authorization for the Controller to draw his warrants on the State Treasurer, payable out of the Fund of such district, to an amount equal in the aggregate to the net amount of such tax when added to the amount due as principal and interest and the number of acres unsold, together with the amount in the State Treasury to the credit of such district. And in all cases where the Swamp Land Commissioners have, previous to the passage of this Act, filed with the Controller of State a certified statement from the Register of the State Land Office, as provided in section one of this Act, they are hereby required to file with the Controller the certified statement of the Board of Supervisors of the net amount of tax levied in such district for purposes of reclamation. All money coming into the State Treasury from the tax provided for in this section is hereby appropriated for the pur-

When amount in State Treasury is not sufficient, Supervisors shall levy tax.

Supervisors shall make certified statement.

poses of reclaiming the land in the district in which such tax is collected.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXXIII.—*An Act to amend an Act for the regulation of the Telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, passed April, eighteen hundred and sixty-two.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen of the said entitled Act is hereby so amended as to read as follows:

Seal or stamp.

Section 18. Whenever any document to be sent by telegraph bears a seal, either private or official, it shall not be necessary for the operator in sending the same to telegraph a description of the seal, or any words or device thereon, but the same may be expressed in the telegraphic copy by the letters "L. S." or by the word "Seal;" and whenever any such document bears a revenue stamp, it shall be sufficient to express the same in the telegraphic copy by the word "Stamp," stating the amount thereof, without any other or further description thereof.

CHAP. CCXXXIV.—*An Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as to read as follows:

When a specified amount shall accrue.

Section 9. It shall be the duty of the Board of Examiners created by an Act approved April twenty-first, eighteen hundred and fifty-eight, entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, whenever it shall appear to said Board that the Treasurer of State has received into the Treasury the sum of ten thousand dollars or upwards, paid in as purchase money for land, under the provisions of this Act, and as often thereafter as the like sum shall have been paid in

as aforesaid, to purchase bonds of the civil funded debt of the State, issued since the first day of January, A. D. eighteen hundred and fifty-eight, or that may be hereafter issued, to the amount said money paid in as aforesaid will purchase at the lowest price at which they may be purchased, after advertising for two weeks in one daily newspaper published in the City of San Francisco and one in the City of Sacramento, for sealed proposals for the sale of said bonds. The said Board shall open said proposals at the time and place specified in said publication, in the presence of the Treasurer and Controller of State, and accept only of such proposals as offer bonds at the greatest discount to the amount of funds in the Treasury, paid in as purchase money for School lands, will purchase. Said Board shall audit the amount due said bidder or bidders, for his or their bonds, which amount shall be certified to the Controller of State by said Board; the Controller shall then draw his warrant on the Treasurer for the amount audited by said Board, and said Board of Examiners shall deliver said warrants to the persons in whose favor they are drawn, and the bonds so purchased shall be delivered to the State Treasurer, who shall keep said bonds as a special deposit in his custody, marked "School Fund," to the credit of said School Fund; *provided*, however, that no bonds shall be purchased at more than par value. All interest paid into the Treasury under the provisions of this Act shall be subject to the order of the State Board of Education. It is further provided, that if at any time the Board of Examiners shall have at their disposal the sum of ten thousand dollars or upwards, to be invested as contemplated in this Act for the benefit of the State School Fund, and they shall deem it for the best interests of said Fund, the said Board are hereby authorized and empowered to become bidders for the purchase of California State bonds, should the Treasurer of State have advertised at such times for the sale and disposal of bonds under any law already passed or that may hereafter be passed by the Legislature of this State, the bids of the said Board to be made according to law and to be received by the Treasurer of State in the same manner and under the same restrictions as if received from individuals. And if, upon the opening of said bids, it is found that the Board of Examiners are entitled to receive the amount of their bid or any portion thereof, the Treasurer of State shall deliver to the said Board the amount of bonds to which they are entitled under the provisions of his advertisement, and the Controller of State shall draw his warrant in favor of the Treasurer for the amount of the bid of said Board accepted by the said Treasurer of State, and the bonds so awarded and delivered to the Board of Examiners shall be at once placed to the credit of the State School Fund, to be held by the State Treasurer as a special deposit for said School Fund.

Shall purchase bonds.

Interest accruing.

Board of Examiners may become bidders.

CHAP. CCXXXV.—*An Act to regulate Fees in the County of Fresno.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees of officers.

SECTION 1. The fees of all officers of Fresno County, (and others rendering service for which fees are usually allowed,) when not otherwise provided, shall be the same as are fixed by law for officers of Mariposa County, and for like services may be charged and collected in the same manner.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXVI.—*An Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of Record in this State, passed April twenty-seventh, one thousand eight hundred and sixty-three.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Terms of Courts.

Section 2. There shall be held in the counties composing the Third Judicial District, terms of said Court as follows: In the County of Monterey on the third Monday of April and August; in the County of Santa Cruz on the first Monday of April, August, and December; in the County of Santa Clara on the second Tuesday of January, May, and September; in the County of Alameda on the second Monday of February, June, and October; in the County of Contra Costa on the second Monday of March, July, and November.

Repealing clause.

SEC. 2. This Act shall take effect from and after its passage, and all laws contrary hereto are hereby repealed; *provided*, that nothing herein contained shall affect any matters pending in said Courts, but the same shall be heard at the terms herein fixed with the same force and effect as though no change were made as to the times of holding the same.

CHAP. CCXXXVII.—*An Act supplementary to an Act entitled an Act in relation to Suits brought for the Collection of Delinquent Taxes, approved May twelfth, eighteen hundred and sixty-two.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any summons issued in pursuance of the Act to which this Act is supplementary, or any summons issued for the enforcement of taxes under any other Act, (whatever may be the amount claimed,) may be served by posting a copy thereof at the Court-house in the county, and publishing a notice such as is by this section described, once each week for eight successive weeks, in a newspaper published in the county; any number of actions and the service of summons therein may be combined or included in one and the same notice. The notice shall state out of what Court the summons was issued, and shall contain a description of the property described in each of the summonses, and shall briefly denote, by figures, the amount of the taxes and the year or years of its assessment. A notice substantially in the following form shall be sufficient:

Summons for the collection of taxes

STATE OF CALIFORNIA, }
County of ———. }

(Giving the name of the Court). Complaints having been filed, and summonses thereon having been issued out of the said Court, in the name of The People of the State of California, (or in case of a municipal corporation, giving the name of the plaintiff,) severally against the parcels of property situated in said State and county herein described, to recover taxes assessed thereon in the years and for the respective amounts following, namely: Against (describing the land described in one of the summonses), eighteen hundred and sixty-one, for ——— dollars; same property, eighteen hundred and sixty-two, for ——— dollars; eighteen hundred and sixty-three, for ——— dollars. Against (describing the land described in a summons), eighteen hundred and sixty—, for ——— dollars. Against all improvements on (describing the land on which the improvements are situated), eighteen hundred and sixty—, for ——— dollars. Against (describing the land described in the summons), and all improvements thereon, eighteen hundred and sixty—, for ——— dollars. (Thus briefly enumerating the property and taxes mentioned in each summons). All owners and claimants of any right, title, or interest, in any of the property described above, are notified to appear in said Court (giving the name of the town or city) in said county, within eight weeks of the date hereof, and answer the complaint so filed against such property, or judgment will be rendered against such property for the sale thereof, and for the relief prayed in such complaint. Given under my hand this —— day of ———, A. D. eighteen hundred and sixty—.

Form of notice to delinquents.

Such notice may be given by the officer who signed the sum-

By whom notice may be given.

mons, or by the District Attorney, and the service may be proved by similar evidence, and shall have the same effect in all respects as service made in the manner prescribed in the Act to which this Act is supplemental. Service of such summons shall be complete at the expiration of such publication of notice. If the complaint is verified by the affidavit of the District Attorney, stating that "he believes the complaint is true," it shall not be necessary that any other affidavit, or any order, be made to authorize service of summons as herein provided.

Notice of sales.

SEC. 2. Notice of sales of property to satisfy judgments or decrees rendered in actions to enforce the collection of taxes may be given in the manner provided in section seven of the Act to which this Act is supplementary, naming the proper Court in which the judgment is rendered; and notice in substance as is in said Act provided, whatever may be the amount of the judgment or decree, or of the taxes claimed to be a lien

Fees for collection, etc.

for any one year's assessment sued upon, shall be sufficient. In any action in which the taxes claimed to be a lien shall not, for any one year's assessment sued upon, exceed the sum of ten dollars, and in which no defendant has appeared or been personally served, no other fee shall be paid for any other official service or for publication than is provided in this section, nor shall any fee be paid unless it is collected from the defendant or by sale of the property. For all services rendered in each case there may be received by the officer with whom the complaint is filed, for all services before default, two dollars; by the officer making computation of the amount due, and drafting the judgment or decree, one dollar; by the County Clerk, for all services after the return of summons, one dollar; by the Sheriff, one dollar and fifty cents; by the District Attorney, if paid before judgment, one dollar and fifty cents, if paid after judgment, two

For advertising.

dollars and fifty cents; by the publisher, for advertising notice of summons, one dollar and fifty cents; for advertising notices of sale, one dollar; and the fee applicable to the payment of Judges' salary, shall in all actions for taxes in cases commenced in or appealed to a Court of record, be one per cent on the amount claimed in the complaint; *provided*, such fee shall in no case exceed three dollars. The remedies authorized by this Act are cumulative, and shall not be construed as prohibiting any remedy, process, or proceeding, heretofore authorized.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCXXXVIII.—*An Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election and terms of Supervisors

SECTION 1. The Board of Supervisors of the County of San Mateo shall consist of five Supervisors, who shall be elected and chosen, one from each township, as now provided by law, and hold office for two years, and until their successors shall respectively be elected and qualified. The Supervisors shall be chosen at the general election in the year eighteen hundred and sixty-five, and at the general election every two years thereafter. The Supervisors now in office shall continue in office until their successors shall be elected and qualified as aforesaid.

Record of proceedings.

SEC. 2. The Board of Supervisors shall elect one of their number as President, and the County Clerk shall continue to be Clerk of the Board. He shall keep a full and complete record of all their acts, orders, and proceedings, in which record shall be also entered the vote of each member on every question acted on by the Board, except adjournments. The books and records of the Board shall be kept at the County Clerk's office, and shall at all proper times be open to public inspection free of charge. The sessions of the Board of Supervisors shall also be public, and any person being a tax payer of the county may appear before them and oppose the approval or allowance of any claim or demand presented against the county, as well as any proposed tax or expenditure which he may deem unauthorized or inexpedient.

Quorum.

SEC. 3. Four Supervisors shall constitute a quorum to do business. All orders and acts made, passed, or done by the Board of Supervisors now in office, with the concurrence of four members thereof, which might lawfully have been made, passed, or done with the unanimous concurrence of the five Supervisors had they been present at the meeting of the Board, or which might lawfully have been done by a Board of Supervisors legally in office, are hereby ratified and confirmed.

Public roads

SEC. 4. Out of any surplus moneys in the General Fund of said county, not required for the payment and satisfaction of other lawful demands thereon, the Board of Supervisors of San Mateo County are empowered to transfer to the Road Fund, to be expended for construction and repairs of public roads and highways, any sum which they may deem necessary, not exceeding four thousand dollars for each of the two fiscal years—eighteen hundred and sixty-four and eighteen hundred and sixty-five, and eighteen hundred and sixty-five and eighteen hundred and sixty-six—the same to be expended and paid out for the purposes aforesaid, under the provisions and restrictions now established by law.

SEC. 5. The said Board of Supervisors shall also have power to appropriate from any such surplus moneys remaining in the

Outstanding warrants may be paid from surplus.

Treasury at the end of the fiscal year, or from any money in the Treasury especially raised for that purpose, as hereinafter mentioned, such amount as may be found necessary to redeem any outstanding unpaid county warrants legally drawn upon the Road Fund of said county prior to the sixth day of February, eighteen hundred and sixty-four, but no such warrant shall be paid unless the original claim or consideration upon and for which it was issued be duly proved to the satisfaction of the Board of Supervisors, and then only such amount shall be allowed as is found to be justly and legally due on such original claim, which amount shall be indorsed upon the warrant, and the indorsement shall be signed by the President and Clerk of the Board. Such warrant, with a statement or memorandum of the original claim or account attached to it, shall then be presented to the Auditor for his allowance, and to be by him registered like other demands on the Treasury; nor shall any such warrant or claim be allowed or paid unless the same were a valid claim against the said county or the Treasury thereof, legally obligatory under the laws in force prior to the sixth day of February, eighteen hundred and sixty-four; *provided*, that any moneys in the Treasury arising from road taxes levied prior to said sixth day of February, eighteen hundred and sixty-four, which would have been legally applicable to the payment of said road warrants under the laws existing when they were issued, shall first be applied in satisfaction of any amounts so as aforesaid found to be due on said warrants in the order of their registration.

County map

SEC. 6. Any contract legally made and entered into by the Board of Supervisors of the County of San Mateo prior to the sixth day of February, eighteen hundred and sixty-four, with the County Surveyor, for the construction of a county map, and not yet performed, may, at the discretion and upon the order of the present Board, be carried into effect, with such modifications as may be agreed on, and upon the execution of the work according to contract, the amount agreed to be paid therefor, not exceeding three thousand dollars, shall be paid out of any surplus moneys in the General Fund as aforesaid, on a demand to be duly presented, approved, allowed, and audited like other demands on the Treasury.

For construction or repair of roads.

SEC. 7. The Board of Supervisors may, by order duly made and entered in their minutes, allow any Supervisor who shall have received any moneys from the Road Tax Collector for disbursement, under the provisions of the fifth section of the Act entitled an Act supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three, approved February fifteenth, eighteen hundred and sixty-four, to apply a portion thereof, not exceeding one third of the amount by him so received from time to time, for the purchase of materials necessary in the construction or repair of roads, account to be rendered of the money disbursed for that purpose as therein provided.

SEC. 8. The Board of Supervisors of San Mateo County shall further have power:

First—To take and exercise the charge, care, and supervision

of the lands, buildings, and other property of the county, and make all needful orders for the safety and preservation thereof, and also to accept, in the name of the county, the donation of any property given for the public use and benefit. Supervisors to have charge of county property.

Second—To provide for and direct to be executed such alterations, repairs, and improvements in and about the County Courthouse and Jail, and the grounds appurtenant thereto, as shall from time to time be indispensably necessary to the public service.

Third—To direct and control the prosecution and defence of all suits to which the county may be a party on record or the real party in interest. Of suits.

Fourth—To order and direct the execution of such works in the construction, repair, and improvement of public roads and highways in the county as they shall deem necessary, payment therefor to be made out of the Road Fund, and to take and exercise the general care and supervision of all such public roads and highways. Of public roads.

Fifth—To provide for the relief of such indigent persons, being residents of said county, for one year or more, who are destitute of pecuniary means of subsistence, and by reason of sickness, decreptitude, or any bodily infirmity, unable to labor, and not having friends or relatives willing or legally obliged to support them, whose indigent and suffering condition renders them proper objects of public charity. Of indigent persons.

SEC. 9. No person shall receive relief as an indigent person at the expense of the county, except upon the written order of a Supervisor, acting under some special or general order of the Board of Supervisors of said county. To ascertain whether any person is entitled to such relief, or any other material fact in the premises, each Supervisor and each Justice of the Peace of the county shall have power to administer oaths and examine such person on oath, and also any witnesses whom he may think proper by a subpœna under his hand to call before him, which examination shall be reduced to writing in the form of depositions, and being certified by such Supervisor or Justice of the Peace, shall be filed with the Clerk of the Board. Relief of indigent persons.

SEC. 10. The Board of Supervisors of San Mateo County shall cause to be kept in a permanent form a registry of all persons who shall become chargeable to or be in anywise relieved or supported by the county, which registry shall show, as far as the same can be ascertained, from time to time, the name, age, place of nativity, and place of settlement of such persons, and to what country his allegiance is due, the time of his first coming into this State, time of his first coming to said county, and whence he came; when he first became chargeable to said county, and when and how he ceased to be so, if he has ceased to be chargeable; whether he or she is married or single, and the cause or causes of his coming to poverty or indigence; whether he or she has any property or effects, and if so, what and where situated; also the names and places of residence of any near relations of such person; also the description necessary to the identity of his person. Supervisors shall keep registry.

SEC. 11. Whoever brings or sends into and leaves any pauper in San Mateo County, such pauper not being a resident lawfully

Persons bringing pauper to county.

settled therein, knowing him to be a pauper and liable to become chargeable to the county, shall forfeit a sum not exceeding five hundred dollars for each offence, to be recovered in an ordinary action brought and prosecuted in the name of said county.

Rate of taxation.

SEC. 12. The Board of Supervisors of San Mateo County shall have power to levy and collect, each year, to provide for all lawful county expenditures, such taxes as they may deem necessary, not exceeding the following rates on each one hundred dollars valuation of all property, real and personal, within the county not exempt from taxation, namely: For the School Fund, twenty cents; for the Hospital Fund, ten cents; for Interest Tax, forty cents; for the General Fund, twenty-five cents. And all laws are hereby repealed which authorize the levying of any other or greater taxes in the County of San

Proviso.

Mateo than as above specified, State tax excepted; *provided*, that for the payment of any sums which may finally be ascertained and determined to be legally due on outstanding road warrants, as specified in section five, the said Board of Supervisors, after the aggregate amount shall be so ascertained and settled as nearly as possible, shall have power to levy and collect as aforesaid, a special tax, sufficient, in the judgment of the Board, to supply any deficiency in funds requisite to meet said liabilities; and, *provided*, further, that the limitations in this section shall not apply to any taxes now delinquent.

Surplus funds.

SEC. 13. Surplus moneys in one Fund at the end of any fiscal year may be transferred to any other Fund that shall prove deficient, and all surplus moneys remaining in the Treasury at the end of each fiscal year, after the payment of all lawful demands against the same, or reserving the amount of any lawful de-

How to be used.

mands that may be outstanding, shall be transferred to the Loan Fund, so called, and the same hereby is appropriated and set apart for the redemption of the county bonds issued in pursuance of the Act entitled an Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe one hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April ninth, eighteen hundred and sixty-one, and with the said surplus moneys and all other moneys in said Loan Fund the said bonds shall be redeemed from time to time, as provided in the twelfth section of said Act.

Repeals certain Acts.

SEC. 14. The Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and the Act entitled an Act to authorize the establishment of County Infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five, are hereby declared to be inapplicable to the County of San Mateo.

How this Act shall be construed.

SEC. 15. Nothing contained in this Act shall be construed or have effect to repeal or modify the provisions of the Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo;

but the powers herein granted to the Board of Supervisors are to be exercised subject to all the provisions, limitations, and restrictions of the said Act.

SEC. 16. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXXIX.—*An Act amendatory of and supplemental to an Act entitled an Act providing for the Government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one shall be amended so as to read as follows:

Section 1. The Board of Supervisors of the County of Sacramento shall, at their first meeting after the passage of this Act, levy a special tax of twenty-five cents upon each one hundred dollars of all taxable property within said county; and at their session in the month of March, eighteen hundred and sixty-five, the said Board of Supervisors shall levy a special tax of twenty-five cents upon each one hundred dollars of all taxable property within said county; and at their session in March, eighteen hundred and sixty-six, shall levy a special tax of twenty-five cents upon each one hundred dollars of all taxable property within said county; which said taxes shall be collected in the same manner and at the same time as is provided by law for the collection of State and county taxes in said county for the years eighteen hundred and sixty-four, eighteen hundred and sixty-five, and eighteen hundred and sixty-six, respectively. Supervisors shall levy special tax.

SEC. 2. All moneys received from the collection of taxes provided to be levied by section one of this Act, shall be placed into the Redemption Fund created by section thirty-six of the Act to which this is amendatory and supplemental, and shall be used as is provided in section forty of said Act; *provided*, that not more than ten thousand dollars shall be advertised at any one time; and, *provided*, further, that ten days shall elapse from the time of opening one bid or proposal to the advertising of another. How to be expended.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXL.—*An Act to regulate the times for holding the Terms and Sessions of the County Court, Probate Court, and the Board of Supervisors, of the County of San Mateo.*

[Approved March 24, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of County Court.

SECTION 1. In and for the County of San Mateo there shall be held in each year only three general terms of the County Court, namely, commencing on the first Mondays in February and June, and the last Monday in September; and special terms, not exceeding three, to be held at such times and upon such notice as the said Court or the County Judge may order and direct, such order to be entered in the minutes of the Court, if then or when next in session, but no grand or trial jury shall be ordered or summoned, except for a general term.

Of Probate Court.

SEC. 2. The terms of the Probate Court, general and special, shall be held at the same time with those of the County Court; *provided*, that the business of the County Court at the general terms shall take precedence, but business in the Probate Court, either at a general or special term, may be taken up and dispatched whenever the County Court is not otherwise occupied.

Of Supervisors.

SEC. 3. In and for the County of San Mateo regular sessions of the Board of Supervisors shall be held in the County Courthouse at the county seat on the first Mondays in July, October, January, and April in each year, and special sessions at such times as the Board may order and direct; but the order and notice for any such special session shall specify the particular business for which it is called, and no other business shall be transacted thereat; *provided*, that for the present year a regular session of the Board shall be held on the first Monday in May, in lieu of the first Monday in April.

Compensation.

SEC. 4. At any meeting or session, whether general or special, four Supervisors shall constitute a quorum to do business. Nothing in this Act contained shall have effect to authorize the allowance or payment of per diem or mileage to said Supervisors for any number of days or sessions greater than is now allowed and limited by law.

SEC. 5. The terms and sessions of the County Court, Probate Court, and Board of Supervisors, prescribed by this Act, are not in addition to, but in lieu of, those now authorized by law.

CHAP. CCXLI.—*An Act to provide for the Election of Township Assessors in the County of Alameda.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Providing for Township Assessors.

SECTION 1. There shall be elected at the next general election for chosing electors for President and Vice President of the United States, by the qualified voters of each Supervisor Township in the County of Alameda, one Assessor, who shall hold his office one year from and after the first Monday of March succeeding said election. And at the general election held in the year eighteen hundred and sixty-five, and every two years thereafter, there shall be elected by the qualified voters of each Supervisor Township in the County of Alameda one Assessor, who shall hold his office for two years from and after the first Monday of March next succeeding said election, and until his successor shall be elected and qualified.

Shall give bonds.

SEC. 2. Each Township Assessor, before entering on the duties of his office, shall execute to The People of the State of California a bond in the penal sum of one thousand dollars, or in a greater sum if the Board of Supervisors shall require it, with two or more sureties, to be approved by the Board of Supervisors, conditioned for the faithful performance of all the duties of his office required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

Vacancies.

SEC. 3. In case any Assessor shall fail to qualify by the provisions of this Act, or in case said office of Township Assessor shall become vacant in any manner, then the Board of Supervisors shall appoint some suitable person, residing within the township, possessing all the qualifications of an elector, to fill said vacancy, and the person thus appointed shall give the same bond and take the like oath required of Township Assessors elected by the people, and shall hold his office for the remainder of the unexpired term of the office so vacated, and until his successor is elected and qualified.

Shall classify different descriptions of property.

SEC. 4. The Assessors of the several townships shall meet together at the office of the Board of Supervisors of their county on the third Monday of March in each year, and classify the several descriptions of property to be assessed, for the purpose of determining upon the mode and manner of valuing the several classes and descriptions of property required to be assessed throughout the county, and shall then and there agree upon a uniform rule of valuation, so far as the same may be compatible with a proper assessment of property throughout the county. Where distinct tracts of land or parcels of land owned by one person, or several persons jointly, are situated in adjoining townships, such distinct tracts or parcels of land shall be assessed in that township in which the owner or owners thereof resides; but, if the owner or owners of said tracts or parcels of land do not reside in either township where they are in part situated, then said distinct tracts or parcels of land shall be assessed in

the township where the greater part of each distinct part or parcel of land is situated.

Compensation of Assessors.

SEC. 5. The Assessors of the several townships shall receive the following compensation per annum, and none other, for all the duties performed by them under this Act, viz:

The Assessor of the Township of Oakland, the sum of two hundred and fifty dollars.

The Assessor of the Township of Brooklyn, the sum of one hundred and seventy-five dollars.

The Assessor of the Township of Alameda, the sum of one hundred dollars.

The Assessor of the Township of Eden, the sum of one hundred and fifty dollars.

The Assessor of the Township of Washington, the sum of two hundred dollars.

The Assessor of the Township of Murray, the sum of one hundred dollars.

And in addition to such annual compensation, each Assessor shall receive the sum of five dollars for each day's actual attendance upon the Board of Equalization, the number of days' actual attendance to be determined by the Board of Supervisors.

What Act to govern.

SEC. 6. All the provisions of an Act entitled an Act to provide revenue for the government of this State, approved May seventh, eighteen hundred and sixty-one, and of the Acts amendatory of and supplementary thereto, concerning or affecting Assessors and their duties, shall apply to and govern the several Township Assessors provided for in this Act, except in so far as the provisions of said Acts are modified by this Act; and the Township Assessors of the County of Alameda shall have all the powers and shall perform all the duties of County Assessors prescribed by the provisions of the Acts first aforesaid.

Office abolished.

SEC. 7. From and after the first Monday in March, A. D. eighteen hundred and sixty-five, the office of County Assessor for the County of Alameda shall be abolished. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they relate to the County of Alameda, are hereby repealed.

CHAP. CCXLII.—*An Act to provide for the erection of a Jail and the repair of the Court-house in the County of Alameda.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors may levy special tax for Jail.

SECTION 1. The Board of Supervisors of the County of Alameda are hereby authorized to levy, for the fiscal years eighteen hundred and sixty-four, eighteen hundred and sixty-five, and eighteen hundred and sixty-six, a special tax, not exceeding in each year twenty-five cents on each one hundred dollars of the assessable property of said county, for the purpose of building a secure and substantial stone or brick Jail, and for repairing the

Court-house; and all money collected under this Act shall be set apart and held as a "Special Jail and Court-house Fund," to be used only as herein provided.

Plans.

SEC. 2. Said Board of Supervisors shall advertise for and receive plans, specifications, and estimates for constructing such Jail, and for the repair of the Court-house, and shall adopt such plans and specifications as may be deemed best for the county, reference being had to the probable expense thereof.

Shall advertise for proposals.

SEC. 3. After adopting the plan and specifications, said Board shall give notice, by posting printed notices in at least three public places in the county, and by advertising in some newspaper or newspapers of general circulation, for at least thirty days, that sealed proposals will be received at the office of the County Clerk of said county for building a Jail and repairing the Court-house according to the plans and specifications adopted.

As to contract.

SEC. 4. After thirty days notice, and at the time and place specified therein, said Board shall open all bids and proposals for building said Jail and repairing the Court-house according to the plans and specifications, and within such reasonable time as may be fixed by said Board, and the contract shall be awarded to the lowest responsible bidder who will give sufficient security for the prompt and faithful performance of the contract; *provided*, that the Board of Supervisors shall not accept any bid or proposal which in their judgment is higher than a fair and just compensation for the performance of the contract.

How work to be done.

SEC. 5. The work shall be done under the supervision of the Board of Supervisors, or of a committee of that body, who shall have the right and whose duty it shall be to inspect the work during its progress, and at the completion of the same the Board shall formally accept the work before the sureties on the contractor's bond are released.

Payment.

SEC. 6. All payments for notices and advertisements made necessary by this Act, and for constructing and furnishing said Jail and repairing said Court-house, shall be made by warrants drawn on the Special Jail and Court-house Fund, and said warrants shall be paid in the order of their presentation to the County Treasurer; but no payment shall be made out of said Fund for salary, allowance, or compensation to any officer, or to any person as Agent or Overseer, Architect or Superintendent, or for any purpose other than that specified in this Act.

How may be made.

SEC. 7. Warrants for seventy per cent of the estimated value of the work done on said Jail and Court-house may be drawn as the work progresses, in such manner and at such times as the Board may direct, at least thirty per cent of the whole amount to be paid being reserved until the completion and acceptance of the work, as additional security for the performance of the contract.

When this Act to cease.

SEC. 8. This Act shall cease to be of effect when said Jail and Court-house shall be completed, accepted, and paid for, and any surplus money then remaining in said Special Fund shall be turned over to the General Fund of the county.

SEC. 9. The special tax authorized by this Act shall be collected and paid over at the same time and in the same manner as the State and county taxes, as provided for by law.

SEC. 10. This Act shall be in force and effect from and after its passage.

CHAP. CCXLIII.—*An Act amendatory of the Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one, and of the Acts amending the same.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and ninety-five of the Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, which section was amended by an Act passed April twenty-seventh, eighteen hundred and sixty-three, is hereby further amended so as to read as follows:

How notice for new trial shall be made.

Section 195. The party intending to move for a new trial shall give notice of the same as follows: When the action has been tried by a jury, within five days after the rendition of the verdict, and when the action has been tried by the Court or by a Commissioner or a Referee, within ten days after receiving written notice of the rendering of the decision of the Judge, or of the filing of the report of the Commissioner or Referee, the notice shall designate generally the grounds upon which the motion will be made. Within five days after giving such notice, or within such further time not exceeding twenty days as the Court, or Judge thereof, or Court Commissioner may by order grant, the said party shall prepare and file with the Clerk the affidavit or statement required by the last section. If no affidavit or statement be filed within five days after the notice, or within such further time as the parties may agree upon, or the Court, or Judge thereof, or Court Commissioner may by order grant, the right to move for a new trial shall be deemed waived. When the notice designates as the ground upon which the motion will be made the insufficiency of the evidence to justify the verdict or other decision, the statement shall specify the particulars in which such evidence is alleged to be insufficient. When the notice designates as the ground of the motion errors in law occurring at the trial, and excepted to by the moving party, the statement shall specify the particular errors upon which the party will rely. If no such specifications be made, the statement shall be disregarded. The statement shall contain so much of the evidence or reference thereto as may be necessary to explain the particular points thus specified, and no more. Such statement, when not agreed to by the adverse party, shall be settled by the Judge upon notice. When agreed to, it shall be accompanied by the certificate of the parties or their Attorneys that the same has been agreed upon and is correct. When settled by the Judge, the same shall be accompanied with his certificate that the same has been allowed by him and is

When right shall be deemed waived.

When agreed to.

correct. On the argument reference may also also be made to the pleadings, depositions, and documentary evidence on file, and the minutes of the Court. If the application be made upon affidavits filed, the adverse party may use counter affidavits on the hearing. Any counter affidavits shall be filed with the Clerk one day at least previous to the hearing. The affidavits and counter affidavits, or the statement thus used in connection with such pleadings, depositions, and minutes of the Court, as are read or referred to on the hearing, shall constitute, without further statement, the papers to be used on appeal from the order granting or refusing the new trial. To identify the affidavits, it shall be sufficient for the Judge or Clerk to indorse them at the time as having been read or referred to on the hearing. To identify any depositions or minutes of the Court read or referred to on the hearing, it shall be sufficient that the Judge designate them in his certificate as having been thus read or referred to.

SEC. 2. Section three hundred and forty-two of said Act is hereby amended so as to read as follows:

Section 342. A copy of the statement shall be annexed to a copy of so much of the judgment roll as shall be included in the transcript on appeal, if the appeal be from a judgment; if the appeal be from an order, to a copy of such order. On appeal.

SEC. 3. Section three hundred and forty-six of said Act as amended by the Act of May fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Section 346. On an appeal from a final judgment, the appellant shall furnish the Court with a transcript of the notice of appeal, the pleadings, or amended pleadings, as the case may be, which form the issues tried in the case, the judgment, and such other parts of the judgment roll, and no more, as are necessary to present or explain the points relied on, and the statement, if there be one, certified by the Attorneys of the parties to the appeal, or by the Clerk, to be correct. On appeal from a judgment rendered on an appeal, or from an order, the appellant shall furnish the Court with a copy of the notice of appeal, the judgment or order appealed from, and a copy of the papers used on the hearing in the Court below, such copies to be certified in like manner to be correct. If any written opinion be placed on file in rendering the judgment or making the order in the Court below, a copy shall be furnished. If the appellant fail to furnish the requisite papers, the appeal may be dismissed. On appeal from final judgment.

CHAP. CCXLIV.—*An Act concerning Roads and Highways in Santa Clara County.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

All of certain roads declared public highways.

SECTION 1. All roads in the County of Santa Clara are hereby declared to be public highways which are now used as such, and have been declared to be such by order of the Board of Supervisors, or which may hereafter be declared such by said Board, in accordance with the provisions of this Act; *provided*, all roads which are now and shall hereafter be used as public highways for two years or more shall be deemed public highways, whether the same have or have not been declared such by the Board of Supervisors.

Certain sections made applicable.

SEC. 2. Sections one, two, three, seven, eight, nine, eleven, twelve, fourteen, seventeen, eighteen, nineteen, and twenty, of an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of Santa Clara, and the said county is hereby exempted from the operation of the remaining sections of said Act.

Applicant for damages

SEC. 3. Any person or persons owning or claiming lands through or upon which it is proposed to locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application by petition in writing to the Board of Supervisors on the day on which the application for such location shall be made, according to notice, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land; *provided*, that the legal Guardians of minors, idiots, or insane persons, shall be authorized and required to take all the measures in the premises which may be necessary fully to protect their rights.

Road Viewers and their duties.

SEC. 4. Upon the filing of a sufficient bond and proof of the notice required in section one, as specified in section two of this Act, together with the affidavits required in section two, as specified in section two of this Act, at the time specified in said notice the Board of Supervisors shall appoint as Road Viewers three disinterested citizens, one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises, and upon a day named by the Supervisors, or within five days thereof after taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether such proposed location, alteration, or vacation, is required for public convenience, and they shall take into consideration private as well as public interests. If, in the opinion of the Viewers, the prayer of the petitioners is reasonable, and

the location, alteration, or vacation necessary to the public, they shall take to their assistance two Chainmen and a Marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and the termination of said route; and the Surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. At or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which Road Viewers have been appointed as provided by this Act, they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth:

And Assistants.

First—Who of them were present.

Second—That they were sworn.

Third—Whether such location, alteration, or vacation, is or is not advisable.

Fourth—A plat and field notes of the survey.

Fifth—The expenses of the view and survey.

Sixth—The amount of damages, which they are hereby authorized and required to assess, sustained separately by each and every person owning or having any right, title, or interest, in or to the lands through or upon which said location, alteration, or vacation is proposed to be made.

Seventh—The width of the road, which shall not exceed sixty-six feet.

SEC. 5. Upon the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers were appointed, the Board of Supervisors shall proceed to consider all matters touching the petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; and if in their opinion the public good and convenience require that the proposed location, alteration, or vacation should be made, they shall confirm the report thereon, in whole or in part, as they may deem advisable, and establish said location or alteration, or as much thereof as they may deem advisable, as a public highway, and the damages assessed and the costs which have accrued shall be paid out of the Road Fund, and the Board of Supervisors shall order a warrant or warrants drawn accordingly; *provided*, the Board of Supervisors shall be authorized to pay the same out of the General Fund by special order made for that purpose.

As to relocating or vacating roads.

SEC. 6. Upon the report of the Road Viewers being filed as above provided for, the Board of Supervisors shall order the amount of damages sustained by each and every person owning or claiming said lands to be set apart in the Treasury, to be paid to the proper owner or claimant if known, and to be kept for the owner if unknown, and to be paid to him or her upon showing or establishing their right or title to said lands. From the time of the setting apart of the amount as above provided, said lands shall be deemed to be taken for public use.

Awarding damages.

Setting aside report of Viewers.

SEC. 7. If in the opinion of the Board of Supervisors the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises upon the bond provided for in section three, as specified in section two of this Act.

Duty of Road Masters.

SEC. 8. Whenever any public road is established as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for that purpose, which book shall be called the Road Record of the county. Upon the final establishment of any road, and the payment or securing of the damages as provided in this Act, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Master or Road Masters of the district or districts within which such road is situated of the establishment thereof, and to furnish him with a specified description of said road, and it shall be the duty of such Road Master or Road Masters to open such road within thirty days from the reception of such notice, unless there were at the time of locating such road growing crops upon the ground affected by such road, in which case it shall be the duty of said Road Master or Road Masters to open such road within thirty days after the harvesting of such crops.

SEC. 9. No public or private road shall be opened or any alteration made thereof until all claims for damages shall have been settled and determined as provided in this Act.

Road and poll tax to be levied.

SEC. 10. At the session of the Board of Supervisors for levying State, county, and other taxes, the said Board shall levy upon each able bodied man, except Indians, between the age of twenty-one and fifty years, a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than twenty cents upon each one hundred dollars, which sum shall be levied and collected as all other taxes, except as hereinafter provided; and for the purposes of carrying out the provisions of this section, the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose, or at a regular meeting thereof, as the necessity of the case may require; and the Assessor in cases where he has already made his assessment shall place in a separate column, opposite the name of the party so assessed, when liable to pay a road tax, the figure one, as required by this Act; and all able bodied men, except Indians, who have resided three months in the State, and ten days in the Road District, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the

Road Fund created.

County Road Fund. In order to enable the Board of Supervisors to levy the poll tax heretofore specified and to provide for the collection of the same, the Assessor or Assessors in the County of Santa Clara shall prepare in his or their tax list or assessment roll, a separate column, headed "Road Poll," in which he shall place against the name of every person liable to pay road poll tax the figure one. All taxes and assessments,

with the exceptions hereinafter provided, shall be collected by the Tax Collector of the county in the same manner as other State and county taxes, and placed in the County Treasury to the credit of the Road Fund.

Road Masters to be elected.

SEC. 11. At each general election the qualified electors in each Road District shall elect some citizen of said Road District as Road Master of said district for the term of two years from the time of his election; *provided*, the Road Masters in each Road District elected at the general election in eighteen hundred and sixty-three shall hold their offices until their successors are elected and qualified; and it shall be the duty of the Clerk of the Board of Supervisors to notify the person so elected of his election, and he shall thereupon or within ten days thereafter qualify by taking an oath before some person authorized to administer oaths, that he will faithfully and impartially perform the duties devolved upon him by law as Road Master; *provided*, that the Board of Supervisors at any regular meeting shall fill any vacancy existing or that may occur by death or otherwise in the office of Road Master in said county.

Duty of RoadMasters

SEC. 12 . It shall be the duty of the Road Master to have the care and general supervision of the public roads within the district, to maintain and keep them in good repair, and to erect such necessary bridges and culverts as the means at his command will permit, and he shall also, by direction of the Supervisors, cause suitable guide boards to be erected at the intersection of important roads. He shall oversee and direct the labor expended upon the roads, and see that teams, plows, scrapers, and other implements, are furnished for the road service. He shall, between the first day of October and the first day of June in each year, give to each person in his Road District who is liable to pay road tax at least two days notice of the time and place at which such person shall appear for the purpose of working on the public roads. Such notice shall also specify what teams or utensils each person is expected to bring for the road service; *provided*, that the Road Master shall consult the private interests of taxpayers in reference to teams and implements, so far as he may do so without detriment to the public service.

Repair or open roads.

SEC. 13. When any bridge or culvert shall be broken or injured, so as to be impassable or dangerous, or when any road from any cause shall be impassable, or when a new road is required to be opened, the Road Master may call out a sufficient number of persons living in the vicinity to repair or open such road, and for any service so done shall issue to the party a receipt, as hereinafter provided, for labor on highways. Upon the completion of any road service required of any person, unless such service can be paid in cash with money collected for road poll taxes, or by poll tax receipts, the Road Master shall make out and deliver to such person a certificate for the labor at the rate of two dollars per day for not less than ten hours, together with such sums as may be justly due for the use of teams and utensils. All claims for services done, teams or materials furnished, and certified to by Road Masters, shall be audited by the Board of Supervisors, and, upon approval, they shall order a warrant for the amount of each claim to be drawn upon the

Claims to be audited by Supervisors

Road Fund. In order to carry out the intentions of this Act, the Road Master shall be authorized to take for the use of the road service any timber, earth, gravel, rock, or other material growing or being in any uninclosed or uncultivated lands in the vicinity of a public road, except he shall not cut down any tree that has been planted or preserved as a shade or ornamental tree; and upon application of the owner thereof he shall make such allowance therefor as he may deem just, and shall give to such owner a certificate of the amount due for such property, and upon the presentation of such certificate, and the approval of the Board of Supervisors, they shall order a warrant to be drawn for the amount, payable out of the County Road Fund.

Road Master may let contracts.

SEC. 14. The Road Master may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other materials for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his district; but no such contract shall be made when the amount to be expended will probably exceed one hundred dollars, without at first giving at least thirty days notice of the proposed letting of such contract, by posting the notice thereof as required in section one as specified in section two of this Act, or publishing the same four successive weeks in some newspaper published in the county, which notice shall set forth the services or the amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be received and examined; also, stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in such notice for opening the proposals, all the proposals filed in reference to the matter of such notice shall be opened by the Board of Supervisors, or their Clerk, in connection with the Road Master of the district within which the proposed improvements are located, and the proposals of the lowest responsible bidder shall be received; *provided*, that the Board of Supervisors may refuse all the proposals if they deem such action advisable.

Shall give notice.

Pay for contracts.

SEC. 15. All payments for the fulfilment of any contract for the purposes heretofore specified shall be made by warrants drawn on the County Road Fund by order of the Board of Supervisors. In case of the construction or reparation of a bridge crossing a stream which is the boundary of two counties, the Road Masters and Supervisors of the several districts and counties connected by said bridge shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expense thereof shall be equally divided between said counties.

Bridges between two counties.

Road Masters' returns

SEC. 16. On or before the first Monday in August each Road Master shall prepare a full statement of the labor performed in his district, tools, teams, implements, or materials, hired or purchased, the amount of road poll tax paid either in labor or money, and by whom paid; the amount of money paid out, to whom, and for what paid; also, the amount certified to for labor done, or for tools, teams, implements, or materials furnished, and to whom such certificates have been issued; also,

the number of days service by him actually and necessarily performed in the discharge of his official duty; all of which particulars shall be verified by his oath. The Road Masters shall be allowed for all services performed in discharge of their duties such per diem as the Board of Supervisors may deem just, not to exceed four dollars; and each Road Master shall have charge of and be held responsible for all tools and implements purchased for and belonging to his district, and his statement shall embrace an inventory of the same, a duplicate of which, together with all such tools, utensils, and other property, he shall deliver to his successor or to some person designated by the Supervisors to receive them.

Compensation.

SEC. 17. The Road Masters of the several Road Districts in said County of Santa Clara are hereby authorized and required, under the direction of the Board of Supervisors, to collect, either in money or labor, any or all road poll taxes payable by persons in their respective districts, and all road poll taxes not so paid shall be collected by the Tax Collector of the county. All moneys collected by the Road Masters as road poll taxes shall be expended in repairs of roads in their respective districts; and the Board of Supervisors shall provide road poll tax receipts for distribution to the Road Masters, prescribing the rules for using and accounting for such poll tax receipts.

Collection of poll taxes.

SEC. 18. If so ordered by the Board of Supervisors, it shall be the duty of the Road Master upon entering into office, or at such time as may be most convenient and suitable for such purpose, to proceed to collect the road poll tax, either in money or labor, from any person liable to said tax he may find in his district; and for all the purposes of this Act, the Road Master is hereby authorized to administer oaths and affirmations. Upon any person who may be liable refusing, upon demand upon himself or his Agent, to pay the road poll tax either in money or labor, it shall be the duty of the Road Master to enforce the collection of the same in money, by seizing so much of any species of personal property, debts, or choses in action whatever of the delinquent, and if none such can be found, then by levying upon and seizing so much of real property of the delinquent as will be sufficient to pay such tax and cost of seizure and sale, and shall and may sell the personal property at any time and place, upon giving a verbal notice of one hour previous to such sale, and shall and may sell the realty in the manner prescribed for Sheriff's sale under execution; and any person indebted to another liable to pay such tax shall be liable to pay the same for such other person, after service upon him by the Road Master of a written notice, stating the name or names of the person or persons liable and owing said tax, and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which the property was sold, and such fees and costs as would accrue to the Sheriff for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property after sale by the Road Master to any purchaser shall be a sufficient title thereof; or if required by the purchaser, the Road Master shall execute a bill of sale. The Road Master may also demand of each employer a state-

Enforcing collection.

Road Master shall serve written notice.

ment, under oath, touching his indebtedness to the laborers employed by him who are liable to pay the road poll tax; and if it shall appear upon such statement being made that such employer is indebted to any person liable to pay the road poll tax in an amount equal to said tax due by him, the Road Master may demand payment of said taxes from such employer, and if such employer refuses or neglects to pay the same, or to make a statement of his indebtedness under oath, the said Master, in his own name, may proceed to collect the amount from him by suit; and in all suits under this Act the Road Master shall be a competent witness.

SEC. 19. The Cities of San José and Santa Clara are excepted from the provisions of this Act.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLV.—*An Act to amend Section Nineteen of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nineteen of said Act is hereby amended so as to read as follows:

Assessor liable for failure to assess taxes.

Section 19. The Assessor and his sureties shall be and they are hereby made liable for the taxes on all taxable property within the county when, through his neglect, it remains unassessed; and it is hereby made the duty of the District Attorney of such county to commence suit against such Assessor and his sureties for the amount of taxes due on property not assessed by him; *provided*, that such suit shall not be commenced until after the Assessor shall have completed the assessment roll each year; and if any non-assessment was caused by the refusal of the owner, claimant, or Agent of such property, or if the person or persons having it in possession or under his or their control or charge to give a list to the Assessor, the Assessor shall not be liable, but the person whose refusal to give the Assessor a list caused the omission shall pay double the taxes imposed upon property regularly assessed.

Proviso.

SEC. 2. This Act shall be in force and take effect from and after its passage.

CHAP. CCXLVI.—*An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-two.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. It shall be the duty of the Collector or Collectors of the County of Placer to commence the collection of the road tax in said county on the first day of October of each year, and for this purpose he shall have and exercise the same powers in enforcing the collection of said taxes as are by law conferred in the collection of the foreign miners' tax, and shall receive the same percentage therefor. When road tax shall be collected.

CHAP. CCXLVII.—*An Act to enable the County of Los Angeles to reduce Expenses and pay off its Floating Debt.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of March, eighteen hundred and sixty-five, the annual salary of the Sheriff of the County of Los Angeles shall be eighteen hundred dollars, payable monthly, in United States coin. Salary of Sheriff.

SEC. 2. From and after the first day of March, eighteen hundred and sixty-five, the annual salary of the District and County Clerk of said county shall be eighteen hundred dollars, payable monthly, in United States coin. of Clerk.

SEC. 3. From and after the first day of March, eighteen hundred and sixty-five, the annual salary of the District Attorney of said county shall be eighteen hundred dollars, payable monthly, in United States coin. District Attorney.

SEC. 4. From and after the first day of March, eighteen hundred and sixty-five, the annual compensation of the Assessor of said county shall be one tenth of one per cent of the amount assessed after equalization, payable in United States gold coin. Assessor.

SEC. 5. The annual compensation of each Justice of the Peace and Constable, taxed to the county, shall not exceed one hundred dollars each per annum, payable in coin; *provided*, that the salaries of the officers in this Act named shall be paid in the same kind of currency in which the county taxes are paid. Justices of the Peace.

SEC. 6. The annual compensation of the Supervisors shall be two dollars per day each for every day actually in session, payable in coin. Supervisors

SEC. 7. The above salaries and compensations shall be in lieu

of all fees and other compensations taxed to and paid by the said county to each of said officers.

SEC. 8. Each officer shall pay his own Deputy out of said compensation.

SEC. 9. This Act shall be in force and take effect from and after the first day of March, eighteen hundred and sixty-five.

CHAP. CCXLVIII.—*An Act supplementary to an Act entitled an Act to exempt Firemen from Militia Service and Jury Duty, passed March twenty-fifth, eighteen hundred and fifty-three.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fire Department may use seal.

SECTION 1. Each and every Fire Department regularly organized under the laws of this State, or under or by virtue of the provisions of any Act of incorporation of any town or city of this State, or lawful ordinance of any city or town, are hereby authorized and empowered to prepare and use a seal for the purposes and in the manner hereinafter provided.

Form of seal.

SEC. 2. Such seal shall have engraved upon it the arms of this State and the name of the particular Fire Department for which it is intended, and shall be used only by and remain in the custody of the Secretary of the Board of Delegates of each of such Fire Departments, and his successor in office.

Secretary of Board of Delegates shall give bond.

SEC. 3. The Secretary of the Board of Delegates of each and every such regularly organized Fire Department, before making the certificates hereinafter mentioned or using the said seal, shall take and subscribe the constitutional oath of office, which shall be indorsed upon his certificate of election, and shall execute a bond with two sufficient sureties, to be approved by the County Judge of his county, in the sum of one thousand dollars, to The People of the State of California, conditioned for the faithful performance of the duties of his office according to law, which bond shall be filed in the office of the Recorder of the county where each Fire Department is organized.

Secretary to issue exempt certificates.

SEC. 4. The Secretary of every such Fire Department is hereby authorized and empowered to issue certificates of exemption to all such firemen belonging to his department as now are or hereafter may be exempt from militia or jury duty by the laws of this State; *provided*, no fee or charge therefor shall be received or exacted by such Secretary; and, *provided*, further, that such Secretary shall make an entry thereof, with the date of such certificate, in the minute book of the proceedings of the Board of Delegates.

By whom signed.

SEC. 5. The certificates hereinbefore provided for shall be signed by the Secretary of the Board of Delegates and the President of the Board, and shall be authenticated with such seal as aforesaid.

SEC. 6. All certificates issued under the provisions of this Act, duly authenticated, shall be evidence in all the Courts of this State of the truth of the matters set forth in such certificate or certificates. Shall be evidence.

SEC. 7. If any Secretary or President of any Board of Delegates of any such Fire Department in this State shall wilfully or knowingly issue or cause to be issued any certificate of exemption to any person or persons not entitled to such exemption by law, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine in any sum not less than twenty nor more than two hundred dollars, or by imprisonment in the County Jail for a term equal to one day for every two dollars of such fine. Penalty.

SEC. 8. This Act shall not be construed to repeal the provisions of any Act or Acts now in force relating to any Fire Department in any city or town in this State. This Act shall not apply to the City and County of San Francisco. As to former Acts.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLIX.—*An Act to extend the time for constructing the Grass Valley and Bear River Turnpike Road.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time prescribed in section two of the Act entitled an Act to grant the right to construct a turnpike road between the Town of Grass Valley, in the County of Nevada, and a point on Bear River, at or near McCourtney's Crossing, approved April twenty-fifth, eighteen hundred and sixty-two, for the completion of said turnpike road, is hereby extended for the term of one year from and after the twenty-fifth day of April, eighteen hundred and sixty-four, and all rights, franchises, and privileges granted and conferred by said Act upon the Grass Valley and Bear River Turnpike Road Company are hereby confirmed to said company upon the completion of said turnpike road within the time hereby extended. Time extended for completing road.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCL.—*An Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Violation of ordinance.

SECTION 1. In any action or proceeding, either civil or criminal, for a violation or breach of any ordinance of the City of Sacramento, a copy of such ordinance, published or purporting to have been published by authority, or published or purporting to have been published in the official newspaper of the city, shall be prima facie evidence that such ordinance has been regularly and legally passed and authenticated, and that the provisions of the ordinance are as published.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLI.—*An Act to authorize the Board of Supervisors of Placer County to appropriate Money from the General Fund of said County.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors empowered to appropriate money

SECTION 1. The Board of Supervisors of Placer County is hereby authorized and empowered to appropriate out of the General Fund of said county a sum not exceeding one thousand dollars for the completion of the repairs upon the Hospital buildings and property of said county; and it shall be the duty of the Auditor of said county to draw his warrant upon said General Fund for the amount so appropriated in the same manner in which other warrants are drawn, and made payable out of said Fund; *provided*, that nothing herein contained shall be so construed as to impair the right of said Board to construct or repair all public county buildings.

SEC. 2. This Act shaH be in force from and after its passage.

CHAP. CCLII.—*An Act to provide for the Redemption of the Funded Indebtedness of the City of Sacramento.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of creating a Fund for the redemption of the funded indebtedness of the City of Sacramento,

the Board of Trustees of said city are hereby authorized in their discretion to levy annually a special tax of not exceeding one half of one per cent upon all the taxable property, real and personal, within the limits of the city, which tax, when levied, shall be collected at the same time and in the same manner as is or may be provided by law for the collection of taxes for municipal purposes in said city, and shall be used and paid out in the manner hereinafter provided. Tax for redemption of funded indebtedness.

SEC. 2. All moneys collected in pursuance of section one of this Act, shall be set apart and placed in a Fund to be known as the "Funded Debt Redemption Fund" of the City of Sacramento, and whenever the sum of five thousand dollars or more shall be in said Fund, the Trustees shall advertise for ten days in some daily paper published in the City of Sacramento, that they will receive sealed bids for the surrender of bonds of the City of Sacramento. At the time named, the Board of Trustees shall, in public, open the proposals, and shall accept the lowest bid or bids for the surrender of bonds as hereinbefore provided; *provided*, that no bid shall be accepted for more than fifty cents upon the dollar of the face value of said bonds, exclusive of interest, nor shall any bid be accepted which is not accompanied by the bonds, with the interest coupons attached, which may remain unpaid. All unaccepted bids and the accompanying bonds shall be returned to the owner. How bonds shall be redeemed.

SEC. 3. The President of the Board of Trustees shall cause to be written across the face of each such bond and interest coupons thereto attached as may be surrendered and redeemed, the rate at which the same was redeemed, and the amount to be paid, which shall be signed by the President and countersigned by the Auditor. How cancelled.

SEC. 4. The Treasurer shall pay the amounts written and specified on the face of such bonds and interest coupons from the said Funded Debt Redemption Fund of the City of Sacramento, and shall mark or stamp the same as paid, giving the date of payment. Treasurer's duty.

SEC. 5. It is hereby expressly provided that the Board of Trustees may in any year refuse to levy said tax or any portion thereof in their discretion.

SEC. 6. This Act shall take effect immediately.

CHAP. CCLIII.—*An Act to appropriate money to pay certain Claims.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three thousand and one dollars and thirty-five cents is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. Sharp for one thousand two hundred and ninety-five dollars and eighty cents; also, John Breuner & Company five hun- Appropriating money.

dred and thirty-six dollars and forty cents; also, John D. Crowley four hundred and seventy-seven dollars; also, J. M. Boardman three hundred and fifty-two dollars and thirty-five cents; C. Gilday two hundred and thirty-one dollars and sixty cents; Clark & Dalziel one hundred and sixty-seven dollars and seventy cents; Calvin forty dollars and fifty cents; and the Controller is hereby authorized to draw his warrants on the State Treasury in favor of above mentioned parties for the respective amounts, and the Treasurer is directed to pay the same.

SEC. 2. The appropriations made by this Act shall not be paid to the persons respectively entitled to the same unless such persons shall first release the State and John Byrnes from all further claim or claims relating to this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLIV.—*An Act to authorize the Board of State Harbor Commissioners to employ Counsel in San Francisco.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commissioners may employ Counsel.

SECTION 1. The Board of State Harbor Commissioners are hereby authorized, with the advice and consent of the Attorney-General, to employ such Counsel as they shall deem necessary in the prosecution and defence of all suits brought under their direction and against them and in other matters in which they require legal assistance and advice, and to pay the necessary and proper expense thereof, not exceeding three thousand dollars per annum, in the same manner as their other expenses are paid.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLV.—*An Act to authorize the City and County of San Francisco to convey certain Real Estate to the State of California.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Mayor authorized to execute deed.

SECTION 1. The Mayor of the City and County of San Francisco is hereby authorized and empowered to make, execute, sign, seal, and deliver to the State of California a good and sufficient deed, which shall convey all the right, title, and interest of the City and County of San Francisco in and to certain property occupied by the Deaf, Dumb, and Blind Asylum, on the corner of Mission and Spark streets, in said city and county,

for such consideration as the Supervisors of said city and county may designate; *provided*, said Board of Supervisors, by resolution, shall first authorize such conveyance to be made.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLVI.—*An Act to amend an Act entitled an Act to provide for the retention of the Hides of Cattle killed or slaughtered in certain Counties in this State, approved April twentieth, eighteen hundred and sixty-three.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is hereby amended so as to read as follows:

Section 1. Any person or persons who shall at any time in the Counties of Santa Clara, Los Angeles, San Diego, San Bernardino, San Luis Obispo, Contra Costa, San Mateo, Alameda, Santa Barbara, and Marin, kill or slaughter or who shall cause to be killed or slaughtered any cattle, either for his or their own use and consumption, or for sale, shall retain or cause to be retained in their possession the hides taken off said animal, with the ear marks attached thereto, without any alteration or disfiguration of the brand or marks on said hides or ears, for the period of eight days. For retention of hides of cattle.

SEC. 2. All Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLVII.—*An Act concerning Suits wherein the State is a Party.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In any suit at law or in equity, or in any civil proceeding whatever wherein the State or The People of the State is a party plaintiff, or any State officer, in his official capacity or on behalf of the State, is a party plaintiff or defendant, no bond, written undertaking, or security shall be required of the State or The People thereof, or any officer acting as aforesaid, under the provisions of sections seventy-six, one hundred and two, one hundred and fifteen, and one hundred and twenty-two, or any other section of the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, A. D. eighteen hundred People of State not required to give bonds where State is a party.

and fifty-one, or of the Acts amendatory thereof and supplementary thereto, requiring parties to give security in cases of arrest, replevin, injunction, and attachment, and in other cases; but on complying with the other provisions required by law, the State, or The People thereof, or any State officer acting as aforesaid, shall have the same rights, remedies, and benefits as if the bond, undertaking, or security were given and approved as required by law.

Shall not be necessary to verify pleading.

SEC. 2. In any civil action or proceeding whatever wherein the State or The People of the State is a party plaintiff, or any officer of the State, on its behalf or in his official capacity, is a party plaintiff or defendant, it shall not be necessary to verify any pleading or paper used or filed therein on the part of the State, or The People of the State, or any State officer, in his official capacity or on behalf of the State, but such pleading and paper shall have the same effect in all respects as if the same were verified.

Costs of action.

SEC. 3. In any civil action or proceeding wherein the State or The People of the State is a party plaintiff, or wherein any officer of the State, on its behalf or in his official capacity, or a county, is a party plaintiff or defendant, Sheriffs, County Clerks, the Supreme Court Clerk, and all other officers and all persons required by law to perform services in any such action or proceeding, shall perform such service for the State, or The People of the State, or any State officer acting on behalf of the State or in his official capacity, or a county, without requiring payment of fees therefor in advance; but all such fees, and the costs accruing for said services, shall become a charge against the State or county, as the case may be, and shall be audited and allowed as other demands.

Repealing clause.

SEC. 4. This Act shall take effect from and after its passage. An Act entitled an Act to provide for the payment of fees and costs in civil actions by and against counties, approved April twelfth, eighteen hundred and fifty-nine, is hereby repealed.

CHAP. CCLVIII.—*An Act to provide for a Survey of the Boundary Line between Calaveras and San Joaquin Counties.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors shall cause survey to be made.

SECTION 1. Within ninety days after the passage of this Act the Boards of Supervisors of the Counties of Calaveras and San Joaquin are authorized and required to be surveyed the boundary line between the said Counties of Calaveras and San Joaquin, and place monuments thereon to properly designate and mark the same; and in case the Boards of Supervisors shall refuse or neglect to cause said survey to be made, or from any cause the work shall not have been performed within the time specified in this section, then the Surveyor-General shall

immediately thereafter cause the survey to be made as above provided.

Expenses of survey.

SEC. 2. On the completion of the survey provided for in section one of this Act, the Surveyor who performed the work shall make a sworn statement of the result of the survey and of the necessary and legal costs thereof, a copy of which statement shall be filed with the Clerk of the Board of Supervisors of each of the Counties of Calaveras and San Joaquin, and it shall be the duty of the Board of Supervisors of each of said counties at their next regular meeting, to audit and allow one half of the account embraced in said statement in the same manner as other proper accounts against their respective counties are audited and allowed.

Taxes in dispute.

SEC. 3. All process for the collection of taxes upon persons or property assessed in both of said counties within territory in dispute, is hereby stayed until the establishment of the boundary line as herein provided.

Repealing clause.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the same conflicts with the provisions of this Act.

SEC. 5. This Act shall take effect immediately.

CHAP. CCLIX.—*An Act explanatory of and supplemental to an Act entitled an Act to amend an Act entitled an Act to regulate Fees in Office in certain counties in this State, approved April eighth, eighteen hundred and sixty-two.*

[Approved March 28, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Shall not apply.

SECTION 1. Nothing in said Act, approved April eighth, one thousand eight hundred and sixty-two, shall be construed as applicable to the County of San Joaquin.

CHAP. CCLX.—*An Act to amend an Act entitled an Act to grant the right to construct a Wagon Road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Right to build wagon road granted

Section 1. Peter Goodhue, John McFarlane, their associates and assigns, are hereby authorized to construct and keep in repair a good wagon road from Deer Creek, near the ranch of

McGahey and Wingfield, to or near the Forks of Kern River, in Walker's Pass, in Tulare County, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way and the right to collect tolls thereon, which are hereby granted to them, their associates and assigns, for the term of twenty-five years; and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon express condition that they and their associates shall incorporate themselves under the general law for the incorporation of wagon road companies, and upon the further condition that within one year from the passage of this Act the said grantees, their associates and assigns, shall commence and within three years complete said wagon road.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows:

Right to continue said road.

Section 7. Said grantees, their associates and assigns, shall have the right to continue said road to Owens Lake at any time within four years from the passage of this Act, and all the rights and privileges herein granted shall attach to such further addition of the aforesaid road.

SEC. 3. This Act shall take effect from and after its passage.

IN SENATE, March 28th, A. D. 1864.—The Senate this day passed this bill by a constitutional majority over the Governor's veto.

T. N. MACHIN,
President of the Senate.

A. W. BISHOP, Assistant Secretary of Senate.

IN ASSEMBLY, March 30th, 1864.—The House this day passed this bill over the Governor's veto by the majority required by the Constitution.

J. J. OWEN,
Speaker pro tem of Assembly.

Attest: O. C. WHEELER, Chief Clerk.

CHAP. CCLXI.—*An Act to create the County of Lassen, to define its boundaries, and provide for its organization.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Creating Lassen county.

SECTION 1. There shall be formed, out of the eastern portion of Plumas and the eastern portion of Shasta Counties, a new county, to be called Lassen County.

Boundaries.

SEC. 2. The boundary of Lassen County shall be as follows: Commencing on the boundary line dividing Sierra and Plumas Counties, at a point on the summit of the ridge which crosses said boundary line, and which divides Long Valley from Sierra Valley; thence following the summit of said ridge (northwesterly) which separates the waters of Feather River from those which flow into the Great Basin and Honey Lake Valley, to a point due south from the Town of Susanville; thence due south to the summit of the ridge separating the waters which flow into

the East Branch of the North Fork of Feather River, running through Indian Valley, from those which flow into the North Fork of Feather River, running through the Mountain Meadows; thence following the summit of said ridge to a point due south from a point where the old and present travelled road from the Big Meadows, via Hamilton's Ranch, first crosses the said North Fork of Feather River; thence due north to the southern boundary line of Shasta County; thence west along said boundary line to a point due south of the Black Butte Mountain; thence due north to the southern boundary line of Siskiyou County; thence east along said boundary line to the eastern boundary of the State; thence south along said State line to the southeast corner of Plumas County; thence west along the boundary line of Sierra and Plumas Counties to the place of beginning.

County Judge to be appointed.

SEC. 3. There shall be appointed by the Governor of this State a County Judge for Lassen County, whose term of office shall continue until the first day of January, eighteen hundred and sixty-six, and until his successor at the next special judicial election is elected and qualified.

Special election to be held for county officers.

SEC. 4. There shall be held an election for county officers, and for the location of the county seat of Lassen County, on the first Monday of May, eighteen hundred and sixty-four, at which election shall be chosen by the qualified voters of said county, one District Attorney, one County Clerk, who shall be ex officio the Auditor, Recorder, and Superintendent of Public Instruction, one Sheriff, one County Surveyor, one County Treasurer, one County Assessor, one Coroner, who shall be ex officio Public Administrator, and three Supervisors, and two Justices of the Peace, and two Constables for each township in the county.

Commissioners to be appointed and duties defined.

SEC. 5. F. Drake, C. Stockton, and N. Breed, of Lassen County, are hereby appointed Commissioners to designate additional precincts to those already established within the boundaries of Lassen County as may be necessary for the convenience of the voters, with such powers as a Board of Supervisors are now clothed by law. Said Commissioners shall appoint Inspectors and Judges of Elections for the various precincts of said county. They shall also divide the various townships of said county into three districts, to be known as Supervisor Districts Number One, Two, and Three; and one of the Supervisors whose election is herein provided for shall be chosen from each of the said districts by the qualified electors thereof. Said Commissioners shall be a Board of Canvassers who shall receive the returns of election from the various precincts of said county, and it shall be their duty, at the time in this Act specified, to canvass or count the votes given for the different officers, with power to issue certificates of election to each person receiving the highest number of votes given for each separate office; they shall also canvass the votes cast for county seat, and shall declare the place receiving the highest number of votes the county seat of Lassen County.

Where shall meet and organize.

SEC. 6. Said Commissioners shall meet at Kingley's & Miller's store in Susanville, Honey Lake Township, on the second Monday in April, eighteen hundred and sixty-four, and after

being duly sworn by an officer qualified to administer oaths to truly perform the duties by this Act imposed upon them, shall designate precincts, if in their opinion others than those already established are necessary to accommodate the voters of said county, and shall appoint one Inspector and two Judges of Election for each precinct in the county. The Commissioners shall chose one of their number as Chairman, and one as Clerk, who shall keep a record of all their proceedings, which record shall be deposited in the County Clerk's office as soon as a Clerk shall have entered upon the discharge of his duties. A majority of said Commissioners shall constitute a quorum for the transaction of business.

Shall give notice of election.

SEC. 7. The Commissioners, after having designated places of voting, appointed Inspectors and Judges of Election, as required in section six of this Act, shall give public notice of said precincts established in said county, specifying in said notice the townships in which each of them is located, also the time of holding the election, the number and name of each officer to be elected in said county, and in each district and township of the same, by notices posted at each precinct appointed at least ten days prior to the day of election.

Shall canvass election returns.

SEC. 8. The Inspectors and Judges of Elections of the several precincts shall conduct said election in the manner as required by the general election law of this State, and shall return the list and poll books kept by each of them to the Commissioners, at Kingley's & Miller's store, in Susanville, Honey Lake Township, on or before the Monday following the day of the election; and the said Commissioners are hereby required to be at said place on said day, for the purpose of receiving the same, and shall then and there open said returns and canvass the votes as required by the fifth section of this Act; they shall make a statement in writing, showing the votes given at each Election Precinct for each person voted for, and the office for which each person was voted to fill; and the person receiving the highest number of votes for each office shall be declared elected to the same; and the said Commissioners shall issue to each person so elected a certificate of election, which shall be signed by the Chairman and Secretary.

Persons elected shall qualify and file bonds.

SEC. 9 Each person elected shall, within ten days after receiving his certificate of election, file with the President of the Board of Commissioners the bond required by law, and shall qualify in the same manner as required by the general law of this State before entering upon the duties of his office; *provided*, that the County Judge appointed may qualify before the President of the Board of Commissioners immediately after his appointment is made known to him; and all other county and township officers may qualify before the County Judge, in the same manner as required by the general law in the counties of this State.

Commissioners shall transmit copy to Secretary of State.

SEC. 10. The President of the Board of Commissioners without delay shall transmit to the Secretary of State an abstract of said election returns, and shall file the original returns in the Clerk's office as soon as he shall have entered upon the duties of office. Said Commissioners shall be allowed a reasonable

compensation for their services by the Supervisors of Lassen County, to be audited and allowed as other county charges.

Terms of officers.

SEC. 11. All other county officers elected under the provisions of this Act, except Supervisors, whose terms of office are hereafter provided for, shall hold office for two years from the first day of March, eighteen hundred and sixty-four, and until their and each of their successors are elected and qualified; *provided*, that Justices of the Peace and Constables shall hold office for two years from the first day of January, eighteen hundred and sixty-four.

Salary of County Judge, etc.

SEC. 12. The County Judge shall reside and keep his office in the township where the county seat is located, and shall receive a salary of eight hundred dollars per annum, which shall be paid quarterly, as other county charges. He shall hold the Courts required by law to be held by County Judges, the same commencing on the first Monday in March, June, September, and December; *provided*, however, the County Judge may call and hold special terms of Probate Court whenever public necessity may require.

Fees of officers.

SEC. 13. The District Attorney shall receive a salary of four hundred dollars per annum, to be paid quarterly, and such other fees as are allowed by general law. All other county and township officers not specified in this Act shall receive as compensation the fees allowed by law in Plumas County in this State.

Terms of Supervisors, etc.

SEC. 14. The Board of Supervisors shall hold regular meetings at the county seat the first Mondays of March, June, September, and December, of each year. Special terms may be held at the call of the President of the Board of Supervisors; *provided*, not more than two special terms shall be held in any one year. One of the three Supervisors shall be chosen from each of the districts. The Supervisor elected from District Number One shall be President of the Board, and shall hold office for one year from the first day of March, eighteen hundred and sixty-four. The Supervisor elected from District Number Two shall hold office for two years from said day. The Supervisor elected from District Number Three shall hold office for three years from said day; and thereafter every Supervisor shall hold office for three years, and the one holding the oldest commission shall be the President of the Board. Their compensation shall be twenty cents for each mile necessarily travelled in going and returning to the county seat to attend the regular meetings of said Board, and three dollars for each day's attendance on the same.

Terms of District Court.

SEC. 15. Lassen County shall be a portion of the Second Judicial District, and the District Judge shall hold one term of Court in said county, commencing the second Monday in October, eighteen hundred and sixty-four, and every year thereafter two terms, commencing on the first Monday in June and the second Monday in October.

For representative purposes.

SEC. 16. For Assembly representative purposes, Lassen County shall be attached to the County of Plumas; for Senatorial representative purposes, to the Twenty-Fourth Senatorial District, and for Congressional representative purposes, to the Third Congressional District.

Selection of county seat.

SEC. 17. Said Commissioners of Election shall appoint three of the qualified electors of Lassen County, one from each of the Supervisor Districts, and who shall be freeholders in their respective districts, to select two sites, which they shall deem most suitable for the county seat, who shall, prior to performing the duties imposed upon them, first make oath before some officer qualified to administer the same, that they will faithfully and impartially make the selection as by this Act required. Any two of said persons so appointed shall be a quorum. After having made such selection they shall report to the Commissioners the sites so selected.

SEC. 18. Said Commissioners shall cause to be posted in each precinct in said county a notice of the selection so made for a county seat, at least ten days before the day of election mentioned in section four of this Act. The notices shall plainly designate by name each place selected to be voted for as county seat, and the place receiving the highest number of votes shall be the county seat of Lassen county.

Assessment and collection of taxes

SEC. 19. All assessments for the current legal year shall be made by the Assessor of Lassen County, and all taxes shall be collected by the Sheriff, who shall be ex officio Tax Collector; and the Board of Supervisors are hereby authorized to levy and cause to be collected, in manner prescribed by the general law of this State and the provisions of this Act, an annual tax for State and County purposes, not to exceed the sum of two dollars and fifty cents on each one hundred dollars of taxable property in the county.

Transfer of records.

SEC. 20. On the application of the Recorder of the County of Lassen, the County Recorder of Plumas County shall cause to be made and delivered to him suitable books of record, containing certified copies of the records of all deeds, patents, mortgages, claims, powers of attorney, mechanics' liens, and other instruments recorded in the Recorder's office of Plumas County, and affecting property situated in the County of Lassen, as described in this Act; such books, containing said certified copies, shall have the same force and effect as the original records in the County of Plumas. It shall be the duty of the Board of Supervisors of Lassen County to provide for the payment of the expenses necessarily and actually incurred in the purchase of said books, and in the copying of said records.

Removal of actions at law.

SEC. 21. All actions, or proceedings in the nature of actions, whether original or on appeal, civil or criminal, which shall be pending in the District Court, County Court, or Probate Court, in and for said County of Plumas, at the time of the organization of Lassen County, in which the defendants are residents of Lassen County, or the property involved is situated in said County of Lassen, shall be removed for trial and final determination to the proper Courts of Lassen County, on motion of any party interested; *provided*, that all actions which shall have been commenced for the collection of taxes and licenses shall not be removed from the Courts of Plumas County.

Payment of debt of Plumas County.

SEC. 22. By the provisions of this Act, said Lassen County is hereby required to provide for the payment of its proportion of the present indebtedness of Plumas County, and shall make payment in the following manner: The County Treasurer of

Lassen County is required to draw from the Treasury of Lassen County, and pay over to the Treasury of Plumas County, the sum of one thousand dollars, on the first day of January, eighteen hundred and sixty-six; and also the further sum of one thousand five hundred dollars on the first day of January, eighteen hundred and sixty-seven; and on the payment of the above named sums of two thousand five hundred dollars, the County Treasurer of Plumas County shall give a receipt in full for the payment of the indebtedness specified in this section of this Act, and such receipt shall be a full and final discharge of the said County of Lassen of its proportion of the indebtedness of said Plumas County.

Survey of western boundary.

SEC. 23. Said Lassen County shall, within eighteen months after its organization, cause so much of its western boundary line which runs due north to be surveyed, and shall give timely notice to the Supervisors of Plumas and Shasta Counties when such survey will be made; and all expenses of said survey, whether incurred on the part of Shasta or Plumas County or otherwise, shall be paid by Lassen County.

SEC. 24. All Acts and parts of Acts in this State are hereby repealed so far as they conflict with the provisions of this Act.

SEC. 25. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXII.—*An Act to amend an Act entitled an Act in relation to Liens of Mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Foreclosure of liens.

Section 7. If the original employer shall fail to make such payment or deposit, or if he shall make such deposit, then any person or persons, and any number of claimants having or claiming liens or the benefit of liens under the provisions of this Act, may commence and join in an equitable action in the District Court in the county in which the subject of such lien is located for the foreclosure and settlement of his or their lien. The summons shall be served on the original employer, and on the original contractor, in case he is not named as plaintiff in the action, in the same manner required in other actions in said Court; but in case they or either of them, after due diligence, cannot be found in the county for personal service, or by leaving a copy of the summons at his or their last and usual place of residence in said county, the same may be served by posting a copy thereof on some conspicuous place upon or near the subject of such lien where it will be most likely to attract the attention of the parties interested. In this latter case, in addition thereto, a copy of the summons shall be published in a newspaper printed

Service of summons.

in the county, if one be printed therein; if not, then one published in an adjoining county for such time as the Court may order, not less than two successive weeks, such posting to be at least twenty days and the last publication at least ten days before the term of the Court at which such action shall be heard. The action shall be heard and tried, and such decree or decrees be made, entered, issued, and executed, as shall be equitable between all the parties, in conformity with the provisions of this Act.

SEC. 2. Section fourteen of said Act is hereby amended so as to read as follows:

Not to affect prior action at law.

Section 14. Nothing herein contained shall be construed to affect or take away any action at law which any contractor, sub-contractor, or material man, or their assigns would otherwise have against his employer. And it is hereby provided that in case of a sale of the subject of any lien or liens pursuant to any decree of the Court, as provided in section seven of this Act, if the net proceeds of such sale shall be insufficient to satisfy the whole amount found due said original contractor from his employer by the decree, the deficiency may, on motion, be entered by said Court as a personal judgment in favor of said contractor against said employer, subject, however, to the trust on behalf of sub-contractors and material men, as provided in section nine of this Act.

SEC. 3. Section twenty-five of said Act is hereby amended so as to read as follows:

Liens of sub-contractors.

Section 25. Every sub-contractor, or other person other than the original contractor, who shall acquire any lien under the provisions of this Act, shall, within thirty days after the completion or repair of any such building, wharf, or superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, have a just and true account of the demand due to him, after deducting all proper credits and offsets, verified by his own oath or the oath of some one on his behalf, recorded in the office of the Recorder of the county, and shall at the same time have a description of the property sought to be charged by said lien recorded with the same, and in default of such record such lien shall be deemed waived and lost. The original contractor shall have a like verified account and description so recorded within sixty days after the completion or repair as aforesaid, otherwise the benefit of such lien, so far as he is concerned, shall be lost, but the same shall continue and remain in force for the benefit of all other parties in the same manner and to the same extent as if the original contractor had had such verified account and description recorded within the time aforesaid; *provided*, they shall have complied with the provisions of the former part of this section.

Shall record verified account.

CHAP. CCLXIII.—*An Act to provide for paying the legal and equitable Indebtedness of the City of San José.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Providing for issuing certificates of indebtedness.

SECTION 1. The Common Council of the City of San José shall provide by ordinance for issuing certificates of indebtedness, at a rate of interest not to exceed ten per cent per annum, for all the outstanding indebtedness which may be existing as a legal and equitable claim against said city at and prior to the first day of May, eighteen hundred and sixty-three. They shall provide in the same ordinance for the semi-annual payment of the interest to accrue on said certificates. The certificates for such debt shall be made payable on or before January first, eighteen hundred and sixty-nine.

Power of Fund Commissioners.

SEC. 2. For this purpose the present Board of Fund Commissioners of the City of San José shall act as a Board of Examiners. It shall be the duty of said Board to examine all accounts and claims against the city, and to report to the Common Council such as they may consider legal or equitable indebtedness against the city. They shall have power to administer oaths and affirmations, and may continue in session from day to day, or adjourn over to certain days, until the first day of June, A. D. eighteen hundred and sixty-four, unless their examinations be sooner concluded, and shall receive such compensation for their services as the Common Council may determine.

Basis of claims.

SEC. 3. Valuable consideration received by the city at the time such debt was contracted shall be deemed the only proper basis of claims by the Examiners in making their report, and no scrip, warrant, or certificate, or audited accounts shall be received by them as evidences of indebtedness against the city sufficient to entitle the holder thereof to the benefit of this Act, without proof or evidence aliundi connecting such warrant, scrip, or account with the original debt upon which it was issued. And no claim based upon any fraudulent contract, or without consideration, shall be funded under this Act.

Mayor shall issue certificates.

SEC. 4. When the report of the Examiners shall have been made to the Common Council and approved by them, the Mayor shall issue certificates of such indebtedness to the persons or parties entitled to receive the same. The certificates thus issued shall be on interest, as provided for in section one of this Act. The certificates thus issued shall be signed by the Mayor and City Clerk, and shall have interest coupons attached thereto. The first interest due upon certificates thus issued under this Act shall be payable on the first day of January, A. D. eighteen hundred and sixty-five, and thereafter the interest shall be paid semi-annually, on the first day of July and January of each year. The Common Council shall set apart sufficient money from the receipts of each year to the General Fund to pay the semi-annual interest, and shall by ordinance provide for raising by tax on the real and personal property within the city limits such amount annually as shall be deemed sufficient to pay not

Redemption

less than one fifth of the whole amount of the certified indebtedness herein authorized to be issued.

Duty of City Clerk.

SEC. 5. It shall be the duty of the City Clerk to keep a correct register of the number, date, and amount of each and every of the certificates issued under the provisions of this Act, and the name of the person to whom issued, a copy of which he shall file with the City Treasurer. He shall also keep a register of the certificates and interest coupons paid, with the date and amount of payment of each, together with all such other records as may be necessary to carry out the provisions of this Act.

Duty of City Treasurer.

SEC. 6. The City Treasurer shall, from time to time, redeem the certificates herein authorized to be issued, from the money raised annually or specially set apart by the Common Council, as often as the same may accumulate in the Treasury in amount sufficient to redeem the next outstanding certificate, taking the same in their regular numbers as issued; and no certificate shall draw interest after the holder thereof may have been notified by the City Treasurer that the money is in the Treasury for the redemption of the same.

Accounts shall be numbered.

SEC. 7. All accounts or demands, on being presented to the Board of Examiners, shall be numbered in the regular order of their presentation, and the numbers on such account, if allowed by the Board, shall have a corresponding number upon the certificate issued therefor, and entitle the holder to its regular order in payment thereof by the City Treasurer.

SEC. 8. This Act shall take effect immediately.

CHAP. CCLXIV.—*An Act to amend an Act entitled an Act changing the time of assessing the Value of Real and Personal Property, and collecting the Taxes thereon for State and County purposes, in the County of Sierra, approved April tenth, eighteen hundred and sixty-two.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act shall be amended so as to read as follows:

Time of making additional assessments.

Section 3. The Assessor may, at any time subsequent to the first Monday of June and prior to the third Monday in August in each year, assess any property which shall not be on the regular list.

SEC. 2. Section six of said Act shall be amended so as to read as follows:

When the assessment roll shall be delivered to Collector.

Section 6. The Auditor shall, on the first Monday of August in each year, deliver the first assessment roll, prepared in the manner required by law, and on the fourth Monday in August the subsequent assessment roll, prepared in like manner, to the Sheriff of the county, who is ex officio Tax Collector, and who shall immediately on receipt of each of said assessment rolls

proceed to collect the taxes in each township of the county, as directed in the next succeeding section.

SEC. 3. Section seven of said Act shall be amended so as to read as follows:

Collector shall give notice of time when taxes will be due.

Section 7. The Tax Collector shall, on or before the first Monday of July, cause to be published in one or more of the newspapers published in the county, for four consecutive weeks, a notice stating the time when the assessment rolls of the county will be placed in his hands, and that the State and county taxes will then be due and payable thereon, and that the law in regard to their collection will be strictly enforced, and that he will be at the places named in each township on the day or days therein stated to receive the taxes due on real and personal property; and he shall also, on or before the fourth Monday in July, cause printed notices, of like import and effect, to be posted in five of the most public places in each township. The Tax Collector or his Deputy shall be in attendance at the places and times named in said notices to receive the taxes then due. The Tax Collector shall also keep his office open for the receipt of taxes each day, (Sunday excepted,) from the first Monday of August until the second Monday in October in each year.

SEC. 4. Section eight of said Act shall be amended so as to read as follows:

Delinquent tax roll.

Section 8. On the second Monday in October in each year, the Tax Collector shall, at the close of his official business on that day, enter upon the assessment roll a statement that he has made a levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes delinquent, and file in the office of the Auditor a statement of said amount, verified by the oath of himself or Deputy, which list shall be completed by the first Monday of November, and shall be known as the delinquent list.

SEC. 5. Section nine of said Act shall be amended so as to read as follows:

Collector shall make settlement.

Section 9. On or before the fourth Monday in October, the Tax Collector shall attend at the office of the County Auditor with his duplicate assessment roll, and the Auditor and Tax Collector shall then carefully compare the duplicate assessment roll with the original, marking on the original roll the word "Paid" opposite the name of each person whose taxes have been paid, or opposite the description of the property upon which taxes have been paid; and the Auditor shall then and there administer to the Tax Collector an oath, which shall be written and subscribed on the original and duplicate assessment rolls, to the effect that each person and all property assessed in said roll on which the taxes have been paid has the word paid marked opposite the name of such person and the property described, and the Auditor shall then foot up the amount of taxes remaining unpaid, and make a final settlement with the Tax Collector of all taxes charged against him on account of said assessment roll.

SEC. 6. Section ten of said Act shall be amended so as to read as follows:

When delinquents may pay.

Section 10. At any time before the fourth Monday in November, any delinquent tax payer may pay to the District Attorney the taxes assessed against such delinquent, with five per cent additional thereon, taking his receipt for the amount paid.

SEC. 7. All laws and parts of laws in conflict with this law, so far as the same applies the County of Sierra, are hereby repealed.

SEC. 8. This Act shall be in force from and after its passage.

CHAP. CCLXV.—*An Act to amend an Act providing for the Government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-nine of this Act shall be so amended as to read as follows:

Stationery, etc., for county officers.

Section 29. The Supervisors shall furnish an office for the County Judge; offices, furniture, fuel, lights, stationery, postage, and blanks for the Auditor, Treasurer, Assessor, and Superintendent of Common Schools; offices, furniture, fuel, lights, and record books for the County Clerk, Recorder, and Sheriff, and an office, furniture, fuel, lights, and criminal blanks for the District Attorney, and stationery for the District and County Courts, on the order of the Judge stating what is required; but in no case shall any stationery be paid for by the county when the service in which such stationery or blanks is used is paid for in whole or in part by fees.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCLXVI.—*An Act to repeal an Act entitled an Act to authorize and empower the Board of Supervisors of Alameda County to improve the navigation of San Antonio Creek, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repeals certain Act.

SECTION 1. An Act entitled an Act to authorize and empower the Board of Supervisors of Alameda County to improve the navigation of San Antonio Creek, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby repealed.

CHAP. CCLXVII.—*An Act to amend an Act entitled an Act to incorporate the Town of Downieville, approved March eighteenth, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] Section eight of said Act is amended so as to read as follows:

Section 8. The Board of Trustees shall have power to make regulations for securing the health, cleanliness, and good order of the town; to provide for the prevention and extinguishment of fires; to levy taxes not exceeding two per cent upon the assessed value of the real and personal property within the town, for the maintenance of the Fire Department, and for defraying the ordinary expenses of the town; to license and regulate places of public amusement within the town, and to fix by ordinance the commissions of the Marshal for assessing property and collecting taxes and licenses. Powers of Trustees.

[SEC. 2.] Section fifteen of said Act is amended so as to read as follows:

Section 15. Between the first Monday in May and the first Monday in July in each year, the Marshal shall ascertain by diligent inquiry and examination all property in the said corporation limits, real or personal, subject to taxation; and also, the names of all persons, corporations, associations, companies, or firms, owning, claiming, or having the possession or control thereof, for the purpose of enabling the Marshal to make such assessment. He shall demand from each person and firm, and from the President, Cashier, Treasurer, or Managing Agent of each corporation, association, or company within the said corporate limits, a statement under oath or affirmation of all the real estate and personal property within the said corporate limits, owned, claimed by or in the possession or control of such person, firm, corporation, association, or company. If any person, officer, or Agent, shall neglect or refuse, on demand of the Marshal or his Deputy, to give, under oath or affirmation, the statement required by this section, the Marshal shall make an estimate of the value of the taxable property which such person, officer, or Agent neglected or refused to render under oath or affirmation, and the value so fixed by the Marshal may be raised but shall not be reduced by the Board of Trustees, sitting as a Board of Equalization. If the owner of any property not listed by another person shall be absent or unknown, the Marshal shall make an estimate of the value of such property. If the name of such absent owner is known to the Marshal, the property shall be assessed in his, her, or their name; if unknown to the Marshal, the property shall be assessed to "Unknown Owners." If any person shall give the Marshal or his Deputy a false name, or shall refuse to give his or her name, or shall refuse to give a list of property as is by this section required, or shall refuse to swear or affirm to such list, he or she shall be guilty of misdemeanor, and shall be arrested upon complaint of Duty of Marshal. Persons refusing to give in assessments.

Penalty. the Marshal or his Deputy, and upon conviction before a Justice of the Peace, he or she shall be punished by a fine, not less than ten dollars nor more than three hundred dollars, or by imprisonment for a term of not less than two days nor more than three months, or by both such fine and imprisonment; *provided*, that this section shall not be so construed as to include in property to be assessed mortgages recorded at the county seat on property which is situated and whose owner or possessor resides outside the corporation limits.

[SEC. 3.] Section nineteen of said Act is amended so as to read as follows:

Duty of Board of Equalization Section 19. The Board of Trustees of said town shall constitute a Board of Equalization. The Board of Equalization shall meet on the first Monday in July, and shall continue in session from time to time until the business of equalization presented to them is disposed of; *provided*, however, that they shall not sit after the third Monday in July. The said Board of Equalization shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, if they deem the sum fixed in the assessment roll too small or too great, whether that sum was fixed by the owner or by the Assessor; except that in cases when the person complaining of the assessment has refused to give the Assessor his list under oath, as required by this Act, no deduction shall be made by the Board of Equalization in the assessment made by the Assessor; and if the Board of Equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct their Secretary to give notice to the person interested, allowing such person a reasonable time to appear. Immediately after the final adjournment of the Board of Equalization the Secretary shall note all changes made on the original assessment roll, which roll shall then be the assessment roll of the said town. A quorum of the Board of Trustees shall be sufficient to constitute the Board of Equalization, and a majority of the members present shall determine the action of the Board.

Of Secretary

[SEC. 4.] Section twenty-seven of said Act is amended so as to read as follows:

Prosecuting Attorney. Section 27. The Board of Trustees may appoint a Prosecuting Attorney, to hold office for one year, and until his successor is appointed and qualified, who shall be entitled, upon conviction of a defendant, to a fee of ten dollars, if collected from the defendant; and he shall receive such other compensation for his services as the Board of Trustees shall allow.

[SEC. 5.] This Act to be in force from and after its passage.

CHAP. CCLXVIII.—*An Act to provide for ascertaining the amount of Fees paid to certain Officers.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of July next, every Sheriff, County Clerk, County Treasurer, County Recorder, County Auditor, Justice of the Peace, Constable, Tax Collector, Court Commissioner, and Notary Public, authorized by law to receive any fees for official services of himself or Deputies, shall keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensations, of whatever nature or kind, by him or his Deputies earned, collected, or chargeable, with the date, the name of the payer, if paid, and the nature of the service in each case. Within two weeks after the close of his official term he shall deposit said book in the office of the Clerk of the Board of Supervisors of the county in which he held his office. In the first week of January and July respectively in every year he shall file in the office of the Clerk of the Board of Supervisors a sworn statement in writing of the amount of fees earned, collected, or chargeable by him or his Deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion. The Clerk of the Board of Supervisors of the several counties of this State are hereby required respectively to make an abstract of the amount of fees returned to him as having been earned, collected, or chargeable, by the respective officers named in this section, and shall forward the same, duly sworn and certified to, to the Secretary of State, in the month of January of every year, to be by him filed in his office.

Certain officers to keep fee books.

Shall file sworn statement.

SEC. 2. From and after the first day of July next, all and every officer of the several counties of this State, all local officers resident and officiating therein under the State laws, and all State officers within this State not named in section one of this Act, who are authorized by law to receive any fees for official services of himself or Deputies, shall keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensation, of whatever nature or kind, by him or his Deputies earned, collected, or chargeable, with the date, the name of the payer, if paid, and the nature of the service in each case. Within two weeks after the close of his official term he shall deposit said book in the office of the Secretary of State; in the first week of January and July in every year he shall file in the office of the Secretary of State a sworn statement in writing of the amount of fees earned, collected, or chargeable, by him or his Deputies for official services during the six calendar months ending on the last day of the previous month.

Other local and State officers.

Exemption of certain officers.

SEC. 3. This Act shall not apply to the officers in the several counties who, by existing law, are required to keep fee books and make sworn statements, except as to the provision requiring the Clerk of the Board of Supervisors to file an abstract with the Secretary of State; *provided*, however, that in case by existing law the officer with whom the said statement is required to be filed should be other than the Clerk of the Board of Supervisors, then and in that case said officer, whoever he may be, is hereby required to file with the Secretary of State the abstract as herein provided, and at the time and in the manner provided for Clerks of the Board of Supervisors to perform such service.

Penalty for failure to comply.

SEC. 4. If any officer should refuse or wilfully neglect to keep a fee book, or to deposit said fee book, or to file any sworn statement as required in this Act, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not to exceed two hundred dollars, and by a sentence of removal from office, if he should be in office at the date of sentence.

CHAP. CCLXIX.—*An Act to provide for furnishing, in printed form, the Poll and Tally Lists Papers for Election Returns.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to furnish poll lists.

SECTION 1. It shall be the duty of the Board of Supervisors of each county in this State to cause to be furnished to the election officers of each Election Precinct within their respective counties, at least one day preceding each general or special election hereafter to be held in this State, a sufficient number of printed poll and tally lists papers, arranged in suitable blank form, for registering and tallying all the votes polled in their precincts; also, said papers shall contain, in printed form, the oath and certificate of returns required by law to be made by election officers.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLXX.—*An Act to change the Name of Frances Anne Blackwell to Frances Anne Hopper.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changing name.

SECTION 1. The name of the person heretofore known as Frances Anne Blackwell is hereby changed to that of Frances Anne Hopper.

CHAP. CCLXXI.—*An Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a Tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby amended so as to read as follows: Amending section 17.

Section 17. The duties of the County Judge herein provided may be performed in the City and County of San Francisco by either the County Judge or the Probate Judge in and for the said city and county.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXII.—*An Act to provide for the support of the privilege of Free Suffrage during the continuance of the War.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Adjutant-General of the State, on or before the second Tuesday of June, A. D. eighteen hundred and sixty-four, and on the second Tuesday of June in each and every year thereafter during the continuance of our National War, to make a list, as nearly perfect as practicable, of the names of all the electors resident of the State of California who shall then be in the military service of the United States, which names shall be arranged in alphabetical order; and said list shall give the rank of each of said electors in said service, if a regimental or staff officer, the number of the regiment to which he is attached, and if a line or non-commissioned officer, musician, or private, the number of the regiment, battalion, squadron of cavalry, or battery, and the letter of the company in such regiment, squadron, or battalion, to which he belongs, and also the county of his residence in this State; said list shall be delivered by the Adjutant-General to the Secretary of State, on or before the said second Tuesday of June, A. D. eighteen hundred and sixty-four, and on the second Tuesday of June of each and every year thereafter during the continuance of the war. Adjutant-General required to make list of all electors in military service. What rank.

SEC. 2. The Secretary of State shall classify and arrange the list returned to him as aforesaid, and shall make therefrom separate lists of the electors belonging to each regiment, battalion, squadron, and battery from this State, which shall then be in the service of the United States, and shall, on or before the Secretary of State shall classify list, and forward to officer.

fourth Tuesday of June, A. D. one thousand eight hundred and sixty-four, and on the same day of each and every year thereafter transmit, by mail or otherwise, to the commanding officer of each regiment, battalion, squadron, and battery, as aforesaid, a list of electors belonging thereto, which shall specify the name, residence, and rank of each elector, and the company to which he belongs, if any, and also the county, Congressional, Senatorial, and Assembly Districts, for officers of which each of said electors is by this Act entitled to vote.

When regiments are divided, lists to be sent to different detachments.

SEC. 3. In case any regiment in the field shall be divided and stationed in different places or localities, the commanding officer of such regiment shall, upon receiving from the Secretary of State the list of electors in the regiment under his command, forthwith transmit to the officer having for the time being a portion or detachment of such regiment under his command, a list of the electors belonging to said detachment or portion of said regiment, which said list shall be a transcript of said list furnished by the Secretary, so far as relates to the electors to be embraced therein, and shall be certified by the commanding officer of said regiment.

Ballot boxes to be opened where regiments, etc., are stationed.

SEC. 4. On the day fixed by law for holding the State election, and also for choosing Electors of President and Vice President of the United States, for the year A. D. eighteen hundred and sixty-four, and for every general election thereafter, during the war in which the National Government is now engaged, a ballot box, or other suitable receptacle for votes, shall be opened, and votes received from the electors whose names are upon said list, at each place where a regiment, detachment of a regiment, a battalion, squadron, or battery of California soldiers in the service of the United States may be on that day, at which time and place the electors belonging to such regiment, detachment, squadron, or battery, shall be entitled to vote for the following named officers, viz:

Officers for whom soldiers may vote.

First—For members of the Legislature;

Second—For members of Congress;

Third—For Presidential Electors; and for which, by reason of their residence in the several counties and districts of this State, they are authorized to vote, as fully as they would be authorized to vote at elections in the several counties or districts in which they reside; and the vote so given by such electors at such time and place shall be considered, taken, and held to have been given by them in the respective counties of which they are residents.

Vote to be credited to county where the voter enlisted.

Regulations of the election.

Such ballot box or other receptacle for votes shall be opened and such votes received under the supervision and charge of the three highest or senior officers in command of such regiment, detachment, squadron, or battery, in which shall be deposited by said electors ballots for all officers for whom, under the provisions of this Act, they are entitled to vote, which ballots shall have the name and office of the persons voted for fairly written or printed on one piece of paper. The name of each elector voting as aforesaid, shall be checked at the time of voting by one of the officers having charge of the ballot box as aforesaid upon the list furnished, and the officers receiving said votes shall exercise due care and diligence to prevent any soldier voting by mistake for any officer except such as he is

entitled to vote for; but no officer shall open or examine any ballot before the same shall be deposited in the ballot box. Said election shall be opened, if practicable, at nine o'clock in the morning of said day, or, if not then, at such hour in said day as may be agreed upon by the officers whose duty it is to open the same, and shall remain open a sufficient length of time to enable the electors belonging to said regiment, detachment, battalion, squadron, or battery, to vote, and one hour's notice shall be publicly given by the commanding officers before closing said election; and when said election shall have been closed the vote shall be, as soon as possible thereafter, counted by the officers having charge of said ballot box, or persons by them appointed; and the senior officer in command of such regiment, battalion, or squadron, as the case may be, before opening said election, shall administer to the officers conducting said election the following oath, to-wit:

Oath of Inspectors.

"You do solemnly swear, that you will support the Constitution of the United States and the State of California, and discharge the duties of ——— of this election to the best of your ability; so help you God."

Returns to be transmitted to Secretary of State.

SEC. 5. When such votes shall have been counted, all the ballots cast, together with the voting list, checked as aforesaid, shall be sealed up by the commanding officer, and by him on the day succeeding the day of election transmitted, by mail or otherwise, to the Secretary of State, at Sacramento, and said commanding officer shall also make out and certify duplicate returns of votes given according to the forms hereinafter prescribed, seal up and forthwith transmit the same by separate conveyance to the Secretary of State, at Sacramento.

SEC. 6. The form of return of votes to be made by the commanding officers to the Secretary of State shall be as follows, viz:

Form of returns.

"Return of Soldiers votes in the (here insert the regiment, detachment, battalion, squadron, or battery.) I hereby certify that on the (here insert the day of the month and year in which such election was held,) the electors belonging to the (here insert the regiment, detachment, battalion, squadron, or battery,) cast the following number of votes, respectively, for the several persons hereinafter stated, for the officers designated, viz: For members of the Legislature, (names—number of votes for each person voted for written in full, and also in figures, against the names of each person.) For Members of Congress, (names.) For Presidential Electors, (names—number of votes as above)." Pursuing substantially the above form, specifying particuarly each county or district for which votes are cast, and the names of the persons voted for, to which he shall append the following certificate, viz:

"Attest: A B, Commanding officer of (regiment, detachment, battalion, squadron, or battery, as the case may be)."

Said returns shall be made upon one piece of paper, or upon different pieces of paper connected or fastened together, and it is hereby made the duty of the Secretary of State to prepare and furnish to the commanding officer aforesaid proper and sufficient printed blanks for said returns.

Penalty for neglect of duty or improper interference of officers.

SEC. 7. Any commanding officer who shall neglect or refuse to make such return of votes as is provided in the fifth and sixth sections of this Act, or who shall make a false or fraudulent return of such votes, and any officer who shall, by command, threats, or promises of any advantage or preferment, or in any other improper manner, endeavor to control or influence the vote of any soldier under his command or control, or in like manner endeavor to prevent or induce any soldier to refrain from voting for any particular candidate or candidates for whom such soldier has a right to vote, as provided by this Act, such officer shall forfeit, for every such offence, the sum of two hundred dollars, one half to him who shall prosecute to effect, and the other half to the Treasury of the county in which prosecution for said offence shall be commenced; and any act so committed shall be considered, taken, and held to have been committed by such officer within the jurisdiction of this State, and such officer shall be liable to be prosecuted for such offence before any Justice of the Peace in any county of this State, at any time within one year after such officer shall return to reside in this State; and if satisfactory evidence shall be presented to the Governor of this State that any officer has been guilty of any of the offences specified in this Act, it shall be the duty of the Governor immediately to cause such evidence to be transmitted to the President of the United States, with the most urgent solicitations that the commission of such officer be revoked and his name stricken from the army roll.

Secretary of State to send returns to the proper counties.

SEC. 8. It shall be the duty of the Secretary of State, upon the receipt of the votes given by the electors belonging to the regiments, detachments, battalions, squadrons, and batteries aforesaid, to transmit to the Clerks of the several counties of this State such portions of the returns of soldiers' votes as he shall have received affecting the election of officers in their county or district; and the Secretary of State shall compare such returns of votes with the check list and the ballots which shall be returned to him as hereinbefore provided, to ascertain that no mistake has been made in the return of votes, and if any mistake shall clearly appear he shall rectify the same; and the several persons whose duty it is to canvass the votes given for the above named officers, (except Presidential Electors,) are hereby directed to wait, before completing said canvass, until the last Monday of October, A. D. eighteen hundred and sixty-four, and every year thereafter; *provided*, the Secretary of State shall canvass the votes for Presidential Electors before the first Wednesday in December; and after being so canvassed by the Secretary of State, he shall transmit the same to the Clerks of the several counties to which they respectively belong, and it is hereby made their duty and they are directed to count the votes aforesaid which have been returned in the manner herein prescribed.

Further duties.

SEC. 9. The Secretary of State shall, in all cases where it is made his duty by law to canvass the votes and certify the election of any officer in this State, count and include the votes given by the electors belonging to the regiments, detachments, battalions, squadrons, and batteries aforesaid, and returned in the manner herein prescribed.

SEC. 10. The Secretary of State shall, within ten days after the passage of this Act, cause the same to be printed in two daily papers published in the State of California, and transmit a copy of each by mail to the County Clerk of the several counties in this State, and also a copy of each by mail to each Colonel, Lieutenant-Colonel, and Major, or commanding officer of a California regiment then in the service of the United States. Act to be printed.

SEC. 11. The general provisions of the laws of the State of California relating to electors and elections, so far as the same are applicable, shall be pursued and complied with in the voting under this Act, and so far as the same are inconsistent herewith, they are, for the purposes of this Act, repealed.

SEC. 12. All Acts or parts of Acts contravening the provisions of this Act are, for all the purposes of this Act, hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after the date of its passage.

CHAP. CCLXXIII.—*An Act to provide for funding the indebtedness of the County of Tehama.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In order to fund the indebtedness of the County of Tehama, the President of the Board of Supervisors, the County Auditor, and County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled the Funding Commissioners of the County of Tehama, and shall have and exercise the powers and perform the duties hereinafter provided. Board of Commissioners created.

SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds, in not less than the sum of fifty dollars nor more than one thousand dollars each, bearing interest at the rate of ten per cent per annum from the date of their issue; said bonds shall be made payable at the office of the County Treasurer of said county on the first day of January, one thousand eight hundred and seventy-five. The interest accruing on said bonds shall be due and payable on the first day of January next, after which time the interest shall be due and payable on the first day of July and January of each year until said bonds shall be paid and liquidated; the interest on said bonds shall be made payable at said Treasurer's office. Said bonds shall be signed by the President of the Board of Supervisors of said county, and countersigned by the Auditor, and indorsed by the County Treasurer, and shall be impressed with the seal of the county. Duty of Commissioners.

SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without mutilation to the bond, and shall be signed in the same manner as the bonds are Interest.

required to be signed. Said coupons shall each express the amount of interest due, and when and where payable. When any interest shall be paid upon a bond issued under the provisions of this Act, the coupon for the interest then due and paid shall be detached from the bond and delivered by the County Treasurer to the County Auditor, taking his receipt therefor, whose duty it shall be to see that said coupons are properly cancelled and file the same in his office.

SEC. 4. All persons having any indebtedness against the County of Tehama, either in warrants drawn upon the Treasurer, or in accounts or claims duly audited, or in judgments, shall be entitled to the privilege of funding the same, by virtue of this Act; and if the same be not presented for funding before the first day of June, eighteen hundred and sixty-four, they shall cease to bear interest after that date.

Date of bonds.

SEC. 5. The said bonds shall bear the date of the day of their issuance, and the first coupon shall be for the interest from such date up to the first day of January, one thousand eight hundred and sixty-five.

Record to be kept.

SEC. 6. It shall be the duty of the Treasurer and Auditor of said county, each, separately to keep a record of all such bonds as may be issued, showing the number, date, and amount of said bonds, and to whom the same were issued. It shall also be the duty of said Treasurer and Auditor, each, separately to keep a record of all the indebtedness of said county funded under the provisions of this Act, showing the nature of the same, whether warrants, audited accounts, or judgments, and to whom issued or owing, the date and amount thereof, by whom presented, and the time of funding the same.

Treasurer to indorse funded claims.

SEC. 7. It shall be the duty of the County Treasurer of said county to indorse, over his signature as such Treasurer, on the back of such warrants, audited accounts, or claims, and on the back of a certified copy of all judgments funded under this Act, the words "cancelled by funding," with the date thereof, and deliver the same over to the County Auditor, who shall receipt to the Treasurer, and file the same in his office.

SEC. 8. The said Commissioners, before funding any judgment against said county, shall see that satisfaction thereof is entered of record in the Clerk's office where said judgments were originally entered.

Compensation of officers.

SEC. 9. All necessary expenses incurred by the Board of Commissioners in carrying out the provisions of this Act shall be audited by the Board of Supervisors and paid out of any money in the County Treasury not otherwise appropriated; and the Board of Supervisors, while acting as the Board of Commissioners, shall receive for their services the sum of five dollars per day, each, for every day actually employed. The Auditor shall receive such compensation as the Board of Supervisors may direct. The compensation of the Commissioners and Auditor to be paid out of the County Treasury as other claims are paid.

Warrants to be drawn for fractional sums.

SEC. 10. If, in the exchange of warrants, judgments, or claims of any description for bonds, in accordance with this Act, it shall happen that any person shall have a fractional sum less than fifty dollars, the County Treasurer shall issue to the holder thereof a certificate of such fractional sum, and upon presenta-

tion of the same to the County Auditor, he shall draw a warrant on the County Treasurer for the amount so certified.

Interest tax.

SEC. 11. In addition to the ordinary taxes for general county purposes, there shall annually be levied and collected, in the same manner with ordinary revenues of the said county, and by the same officers, a special tax, to be called "The Interest Tax," of not less than twenty nor more than forty cents on each one hundred dollars of taxable property, which tax shall be paid in the same currency that the State taxes are paid. The Fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for; *provided*, however, that should said Fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for, but in the event said Interest Fund is insufficient to pay the interest on the said bonds when the same falls due, the Treasurer shall draw on the General Fund of said county for such purpose.

Application of.

Surplus moneys.

Sinking Fund created

SEC. 12. It shall be the duty of said Treasurer to set apart a Fund, to be called "The Sinking Fund of the County of Tehama." Into this Fund shall be paid:

First—Any and all surplus of the Interest Fund, as aforesaid.

Second—Whatever surplus may remain in the Treasury of the said County of Tehama (not belonging to the Wagon Road Fund of said county) on the first day of January, one thousand eight hundred and sixty-five, and on the first day of January every year thereafter, after paying the ordinary yearly expenses of the county, each of such payments to be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the said bonds aforesaid; and when the same shall be paid and liquidated, such payment shall cease, and all surplus money remaining in said Sinking Fund shall be paid into the common Treasury of the county. Whenever there shall be in the Sinking Fund a sum of money amounting to five hundred dollars or upwards, the County Treasurer shall advertise in a public newspaper published in said county, for the space of two weeks, for sealed proposals for the surrender of said bonds. And after the expiration of the time of publication the Treasurer shall open the sealed proposals in presence of the County Auditor, and shall pay and liquidate the bonds presented for redemption, always accepting in preference the lowest offers thus presented; *provided*, that the same shall not be more than their par value; and, *provided*, if no such proposals shall be made, then the Treasurer shall advertise the amount of money in the Sinking Fund, and the number of the bond or bonds to be redeemed to the extent of the money in the Fund, taking the bonds in the order of their number outstanding, after which time such bond or bonds shall cease to bear interest.

Surrender of warrants.

Tax levied, money to go into Sinking Fund.

SEC. 13. Commencing three years from and after the passage of this Act, there shall be levied and collected by taxation, annually, by the Board of Supervisors of said County of Tehama, in addition to all other legal taxes, an amount equal to fifteen per cent of the whole aggregate amount of the outstanding debt of said county funded under the provisions of this Act, which said tax shall be levied and collected in like manner and

at the same time as other county taxes, and the money so collected shall be paid into the County Treasury and be placed to the credit of the "Sinking Fund" created by section twelve of this Act.

Bonds paid to be cancelled.

SEC. 14. The County Treasurer shall indorse on each bond redeemed the date of redemption, and from whom redeemed, and the amount it required to redeem the same; and also make a like entry in his account with the Sinking Fund. And it shall be the duty of the President of the Board of Supervisors and the County Auditor, whenever such bonds are so redeemed, to attend at the office of the Treasurer and see that said bonds are properly cancelled, so that they cannot again be put in circulation.

Treasurer to make statement.

SEC. 15. Full and particular accounts of the Interest and Sinking Funds in this Act provided for shall be kept by the County Treasurer, and shall at all office hours be open to the inspection of the County Judge, Board of Supervisors, County Auditor, Grand Jury of said county, and all other persons, tax payers of the county, who choose to examine the same. And the Treasurer of said county shall, once in each year, make out a report in writing containing a concise statement of all his transactions under the provisions of this Act, which shall be directed to the Board of Supervisors, and filed in the office of the County Clerk, and open to inspection.

Notice to be given of the time funding will commence.

SEC. 16. On the first day of April, eighteen hundred and sixty-four, the Treasurer of the County of Tehama shall advertise, by posting written notices at the Court-house door and three other of the most conspicuous places in said county, and also by advertisement in the *Semi-Weekly Independent* newspaper, published in said county, that from and after that date the funding of the then outstanding indebtedness of Tehama County will commence, from which time it shall not be lawful for the Treasurer of said county to pay and liquidate any of the then outstanding indebtedness of said county in any other way than in accordance with the provisions of this Act, nor shall the Treasurer, under any pretence whatever, liquidate or pay any portion thereof only in accordance with said provisions.

Limitation of county debt.

SEC. 17. After the first day of May, eighteen hundred and sixty-four, the Board of Supervisors or any other authority of Tehama County shall not have power to contract any debts or incur any liabilities that shall, singly or in the aggregate, with any other previous debt or liabilities contracted or incurred after the said first day of April, eighteen hundred and sixty-four, exceed three thousand dollars more than the amount of money in the County Treasury subject to the payment of the same.

Penalty for neglect of duty.

SEC. 18. Any county officer or officers of the County of Tehama wilfully neglecting or refusing to comply with the requisitions or provisions of this Act shall be deemed guilty of a misdemeanor in office, and fined in any sum not exceeding one thousand dollars, to be recoverable before any Court of competent jurisdiction, or dismissed from office, or both such fine and dismissal, in the discretion of the Court; and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

SEC. 19. All fines and penalties collected under the provisions of this Act shall be paid into the General County Fund for county purposes.

SEC. 20. The interest to become due on bonds on the first of January, eighteen hundred and sixty-five, may, by order of the Board of Supervisors, be paid out of the General Fund of the County, if in their judgment the best interests of the county will be subserved thereby. Interest due in 1865.

SEC. 21. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXIV.—*An Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of electing Representatives to the Congress of the United States, the State is hereby divided into Districts, as follows:

SEC. 2. The Counties of San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Tulare, Monterey, Fresno, Merced, Mariposa, Stanislaus, Santa Clara, Santa Cruz, San Mateo, and San Francisco, shall be the First District. First District.

SEC. 3. The Counties of Contra Costa, Alameda, San Joaquin, Tuolumne, Mono, Calaveras, Amador, El Dorado, Sacramento, Placer, Nevada, and Alpine, shall be the Second District. Second.

SEC. 4. The Counties of Marin, Sonoma, Napa, Lake, Solano, Yolo, Sutter, Yuba, Sierra, Butte, Plumas, Tehama, Colusa, Mendocino, Humboldt, Trinity, Shasta, Siskiyou, Klamath, and Del Norte, shall be the Third District. Third.

SEC. 5. At the election for Presidential Electors in the year eighteen hundred and sixty-four, and every two years thereafter, there shall be elected from each district, one Representative to the Congress of the United States. When elected.

CHAP. CCLXXV.—*An Act relating to certain Swamp Land Districts therein named.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Swamp Land Commissioners of this State shall, immediately after the passage of this Act, proceed to reclaim Swamp Land District Number Two (2), in accordance with the general swamp land laws of this State, and may imme- Providing for reclamation of District No. 2.

diately contract such portions of the work to be done as may be necessary to reclaim the lands in said district. All money paid into the County Treasury to the credit of said District Number Two, shall be paid into the State Treasury to the credit of said district, and may be used as a Reclamation Fund, together with all assets belonging to said district as is or may be provided by law; *provided*, the said Swamp Land Commissioners shall not require the contracts which they may make for the reclamation of said district to be completed before the first day of December, A. D. eighteen hundred and sixty-four.

Duty of City Trustees.

SEC. 2. So soon as said district shall be reclaimed, as provided in section one of this Act, the Board of Trustees of the City of Sacramento shall certify to the Board of Supervisors of Sacramento County the full sum of money due the said city from said District Number Two (2) which has been advanced by the Board of Levee Commissioners of said city, under and by virtue of the provisions of section seventeen of an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, eighteen hundred and sixty-two, or which has been expended by said City Levee Commissioners in the construction of levees, as provided in said section of said Act, and chargeable under the provisions thereof against said district. The Board of Supervisors of said county shall, at the time of levying the State and county taxes for the fiscal year commencing on the first Monday in March, A. D. eighteen hundred and sixty-six, levy a tax on all the lands and improvements thereon protected and to be protected from overflow in said district, and outside of the corporate limits of the City of Sacramento, which shall be equal to one third of the amount as certified by the said Board of Trustees, and the remainder of the same shall be levied by said Board of Supervisors in two equal assessments, one and two years thereafter. Said taxes shall be collected in the same manner and at the same time as other taxes are annually collected in said county, and shall be paid over weekly by the officer collecting the same into the Levee Fund of said city.

Supervisors shall levy tax.

City property exempt from tax.

SEC. 3. The property situate within the corporate limits of the City of Sacramento is hereby expressly exempted from any and all taxes which may be required for the reclamation of said district.

How certain warrants shall be used.

SEC. 4. All Controller's warrants drawn on the Funds of Swamp Land Districts Numbers One (1), Two (2), Four (4), Five (5), Eight (8), Eighteen (18), and Thirty-Eight (38), shall bear interest at the rate of ten (10) per cent per annum, and shall be receivable by the County Treasurers, as provided in section ten (10) of an Act entitled an Act to amend an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three.

SEC. 5. All the lands in said District Number Two (2) are

hereby exempted from the operation of all laws and parts of laws in conflict herewith. District No. 2 exempt.

SEC. 6. This Act shall take effect immediately.

CHAP. CCLXXVI.—*An Act to authorize the formation of an Association for the improvement of horses and neat cattle.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. G. Doll, G. W. Hoag, and J. L. Simpson, of Tehama County, with such other persons as may become associated with them, and their assigns, are hereby authorized and empowered to form themselves into an association to be known as the "Tehama County Stock Breeders' Association," for the purpose of breeding, rearing, and otherwise carrying on the business of raising and marketing horses and neat cattle, and to organize themselves into a body corporate under an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and the provisions of said Act so far as applicable and not inconsistent with the provisions of this Act shall govern the affairs of said association. Authorizing formation of association.

SEC. 2. Said association shall have power to acquire by purchase, donation, or otherwise, such lands, with improvements and appurtenances, situate in Tehama County, and not exceeding in the aggregate three thousand acres, as may by its Trustees be deemed proper for carrying on the business of said association, and may acquire such personal property as may be deemed useful and adapted to the purposes of said association. Power of association.

SEC. 3. This Act shall take effect immediately.

CHAP. CCLXXVII.—*An Act to authorize Phineas Banning, his associates and assigns, to construct a Water Course from San Gabriel River to Camp Drum and the Town of Wilmington, in Los Angeles County.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Phineas Banning, his associates and assigns, are hereby authorized and empowered to construct a water course, consisting of ditches and flumes, for the purpose of conducting a stream of water from San Gabriel River to Camp Drum and Power granted to construct water course

the Town of Wilmington, Los Angeles County, with which to supply said camp and town with water for domestic uses and irrigation.

Where to commence and direction

SEC. 2. The said grantee, his associates and assigns, are authorized and empowered hereby to commence said water course from the right bank of the said San Gabriel River, at a point where a due east line drawn three miles north of the houses of Dominguez intersects said river, or at any convenient place near said point above or below on said river, and running through and over the lands of the rancho of Don Manuel Dominguez and others, known as Rancho de San Pedro, in such directions as the conformation of the ground and the nature of the soil shall render necessary or convenient, with the privilege of procuring the right of way over said lands for said purpose, and along the line of said water course for the further purpose of inspecting and repairing the same, said right of way to be acquired in manner prescribed in the general laws of this State concerning the formation and incorporation of railroads.

May construct a dam

SEC. 3. The said grantee and others shall also have the power to construct a dam at the head of said water course across the San Gabriel River of a height necessary to divert a sufficient quantity of water from the said river into the said water course for the uses and purposes herein named.

When shall be constructed.

SEC. 4. In consideration of the rights and privileges herein granted, the said grantee, his associates and assigns, shall, within six months after the passage of this Act, commence and prosecute in good faith the work necessary to be performed in making the proper excavations and constructing the flumes and building the dam and other requisite improvements in such cases, and shall within one year thereafter so far complete the said works as to be able to supply said Camp Drum and Town of Wilmington and their inhabitants with water.

Rates to be charged for water.

SEC. 5. The rates to be charged for water by said grantee, his associates and assigns, shall be such as may be determined in accordance with the provisions of the law in such cases made and provided.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCLXXVIII.—*An Act to extend an Act concerning Hogs found running at large in certain counties of this State.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Extended to certain counties.

SECTION 1. The Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and amended March fourth, eighteen hundred and fifty-seven, to extend to the Counties of Yolo, San Mateo, Santa Cruz, San Joaquin, San Bernardino,

Sutter, Santa Barbara, San Luis Obispo, Los Angeles, and Tuolumne, is hereby extended to and made applicable to the Counties of Placer, Plumas, and Lassen.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCLXXIX.—*An Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County of Placer is hereby divided into Supervisor and Revenue Districts, as follows: Townships Numbers One, Two, Nine, and Ten shall constitute District Number One; Townships Numbers Three and Four shall constitute District Number Two; Townships Numbers Five, Six, Seven, and Eight, shall constitute District Number Three. Divides county into districts.

SEC. 2. At the Presidential election to be held in the year A. D. eighteen hundred and sixty-four there shall be elected by the qualified electors of Supervisor and Revenue Districts Number One, one Supervisor, who shall hold his office from and after the expiration of the term of the present incumbent of Supervisor District Number One, in said county, and until the first Monday of October, A. D. eighteen hundred and sixty-five, and until his successor shall be elected and qualified; and at the general election for county officers to be holden in said county in the year A. D. eighteen hundred and sixty-five, and at said election to be holden each two years thereafter, there shall be elected in each of said Supervisor and Revenue Districts, by the qualified electors in each of said districts, one Supervisor, whose term of office shall be two years, commencing on the first Monday of October, and shall hold said office for said two years and until his successor is elected and qualified; and at said Presidential election in the year A. D. eighteen hundred and sixty-four, there shall be elected in each of said Supervisor and Revenue Districts, by the qualified electors in each district, one Assessor and one Tax Collector, whose terms of office shall commence on the first Monday of March, A. D. eighteen hundred and sixty-five, and shall continue until the first Monday of March, A. D. eighteen hundred and sixty-eight, and until their successors shall have been elected and qualified; and at the general election for county officers to be holden in said county in the year A. D. eighteen hundred and sixty-seven, and at such elections to be held in said county every two years thereafter, there shall be elected by the qualified electors in each of said Supervisor and Revenue Districts, for each of said districts, one Assessor and One Tax Collector, whose terms of office shall be two years, commencing on the first Monday of March, A. D. eighteen hundred and sixty- Election of Supervisors, etc.

eight, and on the first Mondays of March of each two years thereafter, and shall hold said offices for said two years, and until their successors are elected and qualified.

Rules to govern Supervisors.

SEC. 3. The members of the Board of Supervisors provided to be elected under the provisions of this Act shall, at their first meeting, elect one of their number Chairman of said Board, and said Supervisors shall each give the bond for the faithful performance of his duties as is required by law, and shall exercise the powers, and perform the duties, and be subject to the rules and penalties, that now are or hereafter may be prescribed by law concerning said officers.

Assessors' bonds and salary.

SEC. 4. The District Assessors shall, before entering upon the duties of their offices, or at such time as may be required by law, each give a bond in the sum of five thousand dollars, or a greater amount if the Board of Supervisors shall require it, for the faithful performance of all of the duties required of them by law, and shall each receive, as compensation for his services, a salary of fifteen hundred dollars per annum, to be audited and allowed as like accounts are now allowed, after completing their official services for each year; *provided*, the Board of Supervisors shall in no case allow the account of an Assessor until they shall have issued a proclamation, notifying tax payers of the completion of the assessment rolls for the current fiscal year, and calling upon tax payers or other persons who have knowledge of the omission from the assessment roll of any taxable property by either of the Assessors, to file notice of such omission with the Clerk of said Board, and at the expiration of the time named in said proclamation for filing such notices, said Board shall examine into said omissions, if any there be, and if in their judgment said omission or omissions were caused by the fault or carelessness of the Assessor, they shall deduct from the account of the Assessor or Assessors guilty of such neglect an amount equal to the total taxes due from the person or persons or property so omitted, and five dollars additional for each of said omissions, which latter sum or sums shall be paid by the Treasurer to the person or persons giving the information, and the tax upon the omitted property shall be added to the amount collected by the Collector of the same district at his next settlement. The proclamation provided for in this section shall be published for at least fifteen days from the time when the Assessors return their rolls, in some newspaper published at the county seat, and by posting bills in at least three public places in each township; *provided*, that nothing herein contained shall be deemed to exempt such omitted property, or the owners thereof, from future assessment for and the collection of said taxes as now is or hereafter may be provided by law; and, *provided*, further, that it shall be the duty of the Board of Supervisors to ascertain, as nearly as may be, the true value of such omitted property, and make a list thereof and compute thereon the amount of taxes that would have been collectable thereon had the same been duly assessed as required by law, and the amount of said taxes in each case so ascertained shall be the amount to be deducted in each case, together with said fine of five dollars, from the account for salary of the Assessor in the cases provided for in this section.

Omissions of property from tax roll

SEC. 5. The Tax Collectors named in this Act shall each give a bond in the sum of twenty thousand dollars, or such greater sum as the Supervisors may direct, for the faithful performance of all the duties required of him by law, and shall receive for their services the compensation provided by law; *provided*, that at each monthly or other regular settlement with the County Treasurer, the Collector of District Number One shall pay into the County Treasury for the use of said county fifty per cent, the Collector of District Number Two shall pay into the County Treasury fifteen per cent, and the Collector of District Number Three shall pay into the County Treasury fifteen per cent, of the amount of all fees and percentage to which they may be entitled by law, one third of which shall be placed in the County School Fund, and the remainder in the General Fund of said county; *provided*, that if any reduction shall be made by law in the fees of said Collectors, the proportion of said fees required to be paid into the Treasury as aforesaid shall be reduced in like ratio; and it shall be unlawful for the Auditor to give any Collector his acquittance until he shall have exhibited to said Auditor the Treasurer's receipt for said amount. Any officer who shall fail to comply with this provision shall be liable for such amount on his official bond, shall be guilty of a misdemeanor, and shall forfeit his office.

Bond and salary of Collectors.

Reduction of salary.

SEC. 6. Each officer named in this Act shall be a resident elector of the district for which he is elected.

Residence of officers.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the same conflict with the provisions of this Act.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CCLXXX.—*An Act amendatory of and supplemental to an Act entitled an Act to provide for Street Railroads within the City and County of San Francisco, approved April seventeenth, eighteen hundred and sixty-one, and March twenty-eight, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the time for laying down and completing the various railroads mentioned in said Acts and supplementary Act be and the same is hereby extended for the period of two years from and after the expiration of the time mentioned in said supplementary Act.

Time extended for completing roads.

SEC. 2. The North Beach and Mission Railroad Company shall have the right to construct and maintain a railroad, with double or single track, with all necessary switches and turnouts, on and along Falcon street, from Mission street, to and connecting with their tracks on Folsom street; and also on and along California street, from and connecting with their tracks on Kearny street, to and connecting with their tracks now laid on said California

Providing for double tracks.

street, and to run and maintain cars thereon, and on the tracks now laid and used by them, with all the rights, privileges, immunities, and liabilities contained in or granted by the charters for said Folsom and Kearny street routes.

Obstructions on roads.

SEC. 3. Any person wilfully obstructing either of said railroads shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 5. This Act shall not take effect until it shall have been submitted to and approved by the Board of Supervisors of the City and County of San Francisco.

CHAP. CCLXXXI.—*An Act in relation to the Water Front adjacent to Block Number Nine, in the City and County of San Francisco.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority granted to construct marine railway.

SECTION 1. H. B. Tichenor, and Robert G. Bixbee, and their assigns, being owners of Block Number Nine of South Beach water lots, in the City and County of San Francisco, are hereby authorized to use, for the period of fifteen years from and after the passage of this Act, so much of the water front fronting on the easterly line of said Block Number Nine, and south of the southerly line of Townsend street, and north of the southerly line of King street, as may be necessary for the purposes of a marine railway or dry dock, to be by them and their assigns there kept and maintained, and for such purpose only; *provided*, that no obstructions shall be placed in front of said block that will in any manner interfere with free navigation.

Authorizing construction of dry dock.

SEC. 2. If the said Tichenor and Bixbee, or their assigns, within six months from the passage of this Act, shall commence a marine railway or dry dock on the easterly line of said Block Number Nine, and within the portion of the water front in the first section of this Act described, (in addition to the one now owned or held by them,) capable of taking up and receiving for repairs vessels not exceeding the burden of three thousand tons, and shall complete the same within two years from the commencement of the same, they shall be authorized to use said portion of the water front for the uses and purposes of such marine railway or dry dock, and for no other purpose whatsoever, the same being subject to the proviso mentioned in the first section of this Act.

CHAP. CCLXXXII.—*An Act supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every violation of any lawful order, regulation, or ordinance of the Board of Trustees of the City of Sacramento is hereby declared a misdemeanor or public offence, and all prosecutions for the same shall be in the name of The People of the State of California. Violation of ordinance to be a misdemeanor.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXXIII.—*An Act in relation to the office of Superintendent of Common Schools in San Diego County.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act the County Clerk in and for the County of San Diego shall be ex officio Superintendent of Common Schools in and for said county. Clerk to be ex officio Superintendent.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCLXXXIV.—*An Act providing for the time of holding the County and Probate Courts in the Counties of Alameda and Napa.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held in the County of Alameda terms of the County Court and Probate Court as follows, to wit: On the first Mondays in January, April, and July, and on the third Monday in September, of each year. And there shall be held in the County of Napa terms of the County Court and Probate Court as follows, to wit: On the first Monday of December and March, and the third Monday of June, and the first Monday in September, of each year, and continue until the business thereof is disposed of. Terms of County and Probate Courts.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLXXXV.—*An Act to amend an Act concerning Roads and Highways in the Counties of Siskiyou, Klamath, and Del Norte, approved March twenty-first, eighteen hundred and sixty-two.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Extending term of Overseers, and election provided for

Section 2. The Road Overseers elected at the last general election in the Counties of Siskiyou, Klamath, and Del Norte, may serve in that capacity until the fourth Monday in November, eighteen hundred and sixty-four, and until their successors shall be elected and qualified; and the Boards of Supervisors of said counties are hereby empowered and it shall be their duty to order an election for Road Overseers in their respective counties, to be held on the day of the Presidential election, eighteen hundred and sixty-four, and the persons elected as Road Overseers at such election shall qualify and take their office on the fourth Monday in November of the same year, and hold the same until the first Monday in November, eighteen hundred and sixty-five, and till their successors shall be elected and qualified; *provided*, further, that the Board of Supervisors shall order an election for Road Overseers in their respective counties to be held at the time of the general election in the year eighteen hundred and sixty-five, and every two years thereafter, and the Road Overseers at such time elected shall qualify and take their office on the first Monday in November subsequent to their election, and shall hold the same for the term of two years and till their successors are elected and qualified. And the Boards of Supervisors of the aforesaid counties shall have power and it shall be their duty to fill by appointment any vacancy that may occur in the office of Road Overseers in any district of their respective counties; *provided*, this Act and the one to which this is amendatory shall operate and be in force in the Town of Crescent City.

Vacancies.

CHAP. CCLXXXVI.—*An Act to change the name of Andrew Smith to Andrew Hallidie.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes name.

SECTION 1. The name of Andrew Smith is hereby changed to that of Andrew Hallidie.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXVII.—*An Act to change the names of Amasa Maurice Craig and Laura Craig.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Amasa Maurice Craig is hereby changed to that of Amasa Craig Maurice, and the name of Laura Craig to that of Laura Craig Maurice. Changes names.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXVIII.—*An Act for the regulation and improvement of the Town of Napa City.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Napa County are hereby authorized and required at their next regular meeting to levy a tax of one half of one per cent on each hundred dollars of the assessed value of all taxable property, both real and personal, of and in Napa City, including Cornwall's Addition to said Napa City, also including Thompson's Addition, commonly known as Napa Abass, and Hill's Addition, and Brown and Walker's and Russell's Additions to said city, for the purposes and uses hereinafter expressed. Supervisors required to levy special tax.

SEC. 2. Said tax shall be collected in the same manner and at the same time with other taxes for State and county purposes, and the same regulations and laws that apply to the enforcement and collection of other taxes for general purposes shall apply and extend to taxes provided for in this Act. When shall be collected.

SEC. 3. The moneys collected in pursuance of this Act shall be under the direction and control of the Board of Supervisors of Napa County, and shall be by them expended for the purposes hereinafter expressed, and none other: for constructing cisterns within the limits of the property taxed, for erecting a brick or stone engine-house, for purchasing new hose for the engine, and for repairing the engine, providing there is need for repairs. How shall be expended.

SEC. 4. The Board of Supervisors of said county are hereby authorized to construct one large cistern in the Court-house Square, in Napa City, and to pay for the same out of any funds in the County Treasury belonging to Napa County, or that may be paid into said Treasury, not otherwise appropriated. Supervisors may construct cistern.

SEC. 5. The Board of Supervisors are hereby authorized to vacate and close any streets, or street, or portion of street, that May close streets.

Proviso. they may deem for the public good; *providing*, that consent in writing to that effect be first given by the owners of the land adjoining the street or portion of street proposed to be vacated. But no street or portion of street shall be vacated unless notice of the application to the Board be published in some newspaper published in Napa County, at least three weeks before the application is heard; and the said Board of Supervisors shall have the authority to vacate any portion of the said Additions to Napa City; *provided*, no portion less than an entire block be vacated, and none but such blocks as adjoin tracts of land exterior to said Additions; and, *provided*, further, that no block of lots shall be vacated unless all of the owners thereof shall request the same in writing of said Board.

How road tax shall be expended. SEC. 6. Hereafter not less than one half of all the money assessed upon the property within Napa City and the aforesaid Additions thereto, for road purposes, shall be laid out and expended on the streets of said city and said Additions thereto.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXIX.—*An Act supplementary to the Act entitled an Act concerning Crimes and Punishments.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Verdict in criminal actions when the party was shown to be intoxicated. SECTION 1. In every criminal action hereafter tried, the jury, in case the cause be tried by jury, and if not, the Court before whom the cause shall be tried, shall inquire whether the offence charged or of which the defendant shall be convicted was committed by him while in a state of intoxication from the use of distilled, spirituous, malt, or fermented liquors or wines, and if it be so found, the same shall be set forth in the record of the verdict or finding, and if such verdict or finding be had before a Court which is not a Court of record, or before a Police Court, or inferior municipal Court, the said verdict or finding, together with the amount of cost taxed thereon, shall be immediately certified to the County Clerk of the county within which said Court is held.

Clerk to certify costs. SEC. 2. The County Clerk of each county shall, during the first week in July, each year, make out and certify to the Board of Supervisors a statement, showing the legal costs and all other expenses incurred by the county or State during the fiscal year ending on the thirtieth day of June then next preceding, in the arrest, trial, conviction, imprisonment, subsistence, and punishment, of each and every person arrested and convicted in said county of any offence committed while in a state of intoxication as aforesaid.

SEC. 3. The aggregate amount of said costs and expenses shall be apportioned and added pro rata to the amounts now required by law to be paid for license by the vendors of distilled, spirituous, malt, or fermented liquors or wines, in less quantities than one quart, in said county, in such mode that the said aggregate amount for each year shall be collected from the licensed vendors aforesaid, in addition to the present legal rate of license. Costs to be added pro rata to licenses of liquor vendors.

SEC. 4. The Boards of Supervisors in their respective counties shall have full power and authority and it is hereby made their duty to fix the rates of licenses in conformity with the provisions of this Act, and thereafter the officers whose duty it is by law to issue licenses and collect the amounts required to be paid therefor, shall proceed to issue and collect the same at the rates so fixed by the Board of Supervisors; the said Boards of Supervisors shall also have power to regulate the time and manner of applying for and granting such licenses, and may establish such other regulations as they may deem necessary, in order to carry the provisions of this Act into complete effect. Board of Supervisors to fix licenses.

CHAP. CCXC.—*An Act to provide for the prevention of Conflagrations and the protection of Property saved from Fire in the City and County of San Francisco.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Board of Fire Underwriters in the City and County of San Francisco to nominate, and, with the approval of the Board of Police Commissioners, to appoint an officer, to be known as the Fire Marshal, who shall serve for one year, unless sooner removed, as provided in this Act. He shall execute a bond to the State of California in the sum of five thousand dollars, conditioned for the faithful discharge of his duties, with two sureties, to be approved by the County Judge, and his salary shall be fixed from time to time and paid by said Board of Underwriters. Any person aggrieved by any misconduct of said officer may bring an action in his own name on such official bond, to recover any damages sustained by him. Office of Fire Marshal created.

SEC. 2. It shall be the duty of said officer to attend at all fires that may occur in said city and county, with a badge of office conspicuously displayed, upon which his official title shall be legibly printed, and he shall take possession of all property saved from fire for which no owner can be found, shall, as far as practicable, prevent property from being injured at fires, and regulate and direct, when necessary, the removal of goods, merchandise, and other property, to a place of safety. He shall also exercise the functions of a peace officer of said city and county. Any person who wilfully hinders or obstructs said Duties of Fire Marshal.

officer in the performance of any of the duties of his office shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by imprisonment in the County Jail for not more than three months, or by fine not exceeding five hundred dollars.

Marshal to investigate cause of fire.

SEC. 3. It shall be the duty of the Fire Marshal to institute investigations into the cause of such fires as occur in said city and county, and for this purpose he shall have power to issue subpœnas and administer oaths, and compel the attendance of witnesses before him by attachment and otherwise. All subpœnas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any Police Officer, or by any peace officer of said city and county. Any witness who refuses to attend or testify in obedience to such subpœna shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in Justices' Courts in civil cases; *provided*, that said officer shall not have jurisdiction to try any person charged with commission of a crime for the purpose of inflicting punishment therefor, but shall make a written report of the testimony to the District Attorney or Assistant District Attorney, and institute criminal prosecutions in all cases in which there appears to him to be reasonable and probable cause for believing that a fire has been caused by design.

Proviso.

Further duties.

SEC. 4. It shall be the duty of the Fire Marshal to aid in the enforcement of the fire ordinances of said city and county, and for this purpose to examine all buildings in process of erection, and institute prosecutions for all violations of the ordinances of the city and county which relate to the erection, alteration, and repairs of buildings, and the prevention of fires. He shall exercise such additional powers as may be conferred by the ordinances of said city and county.

Property saved from fire.

SEC. 5. Any person who saves from fire, or from a building endangered by fire, any article of personal property, who wilfully neglects, for two days, to give notice to the Fire Marshal or to the owner of his possession thereof, shall be deemed guilty of grand or petit larceny, as the case may be; and any person who shall be guilty of false swearing in any investigation referred to in section second shall be deemed guilty of perjury, and liable to punishment as in other cases.

Expense of saving property to be paid before delivery.

SEC. 6. No person shall be entitled to any property in the hands of the Fire Marshal saved from fire until the actual expenses paid by said officer for saving and keeping the same shall be paid to him, such expenses to be determined, in case of dispute, by the Police Judge of said city and county.

SEC. 7. It shall be lawful for said Board of Underwriters at any time to remove said Fire Marshal, and to fill any vacancy in said office caused by such removal, or by resignation, death, or absence from the city, in the same manner as provided in section first of this Act.

SEC. 8. This Act shall take effect immediately.

CHAP. CCXCI.—*An Act to suspend the laws allowing the sale of Unsurveyed Lands, and relating to the issuance of Patents.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the laws of this State as allow the selection in lieu of sixteenth and thirty-sixth sections of lands which have not been surveyed by authority of the United States, are hereby suspended, and it shall be the duty of the Surveyor-General to notify County Surveyors and State Locating Agents to accept no new applications for such unsurveyed lands. Laws authorizing unsurveyed lands in lieu of other land suspended.

SEC. 2. No patent shall be issued by the State to any lands other than Swamp and Overflowed, Salt Marsh, and Tide Lands, unless the application of the State Agent for the lands described in the said patent has been accepted by the Register of the United States Land Office for the district in which such land is located. Nor shall the patent of the State be issued to any party for land when satisfactory evidence shall have been presented to the Register of the State Land Office that such lands are being worked for the precious metals contained therein. Patents not to issue unless application is accepted by Register of U. S. Land Office.

SEC. 3. Nothing in this Act shall be construed to prevent the issue of a patent to any land in any case where suit has already been brought to compel such issue.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCXCII.—*An Act to define the Boundary Lines of the County of Sutter.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundary lines of the County of Sutter shall be as follows, to wit: Beginning at a point in the middle of the Sacramento River, ten miles below the junction of the Sacramento and Feather Rivers, and running thence up the middle of the Sacramento River to the mouth of Butte Creek; thence up the middle of said creek to its intersection with the south line of Section Nineteen, Township Seventeen north, Range One east, Monte Diablo meridian; thence east on section lines to a point in the middle of Feather River; thence down the middle of Feather River to a point opposite the mouth of Bear Creek; thence up the middle of said creek to a point opposite Camp Far West; thence in a southerly direction in a straight line to the place of beginning. Boundary lines defined.

SEC. 2. All Acts and parts of Acts, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in full force from and after its passage.

CHAP. CCXCIII.—*An Act to amend an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Terms. Section 6. There shall be held in the Fifth Judicial District terms of said Court as follows: In the County of Alpine, on the first Monday of May and September; in the County of San Joaquin, on the first Monday of April, August, and December; in the County of Tuolumne, on the first Monday of March, July, and November; in the County of Mono, on the third Monday of May and September.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXCIV.—*An Act for the relief of the Burning Moscow Gold and Silver Mining Company.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Name of corporation changed. SECTION 1. It shall be lawful for the company or corporation organized under the laws of this State under the corporate name of "The Burning Moscow Silver Mining Company," being the same company whose certificate of incorporation was filed with the County Clerk of the City and County of San Francisco on the second day of May, in the year one thousand eight hundred and sixty-one, as per copy or duplicate thereof, filed in the office of the Secretary of State of this State on the fourth day of May, one thousand eight hundred and sixty-one, more fully appears, to assume the corporate name of "The Burning Moscow Gold and Silver Mining Company," and the said corporation shall henceforth be called and named by the last mentioned name.

Acts of corporation made valid. SEC. 2. All deeds hitherto made to or by the said company or corporation, and all legal or other proceedings commenced by or against the same, and all contracts, certificates of stock, or other documents whatever, hitherto made, entered into, and issued by the said corporation, or to which it is a party, shall be valid to all intents and purposes, and have all due force and effect, whether the said original corporate name of the said cor-

poration or the name hereby given and granted to the same shall have been used therein.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCXCV.—*An Act concerning Corporations.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Illegal acts of Corporations made valid.

SECTION 1. All associations or companies heretofore organized and acting in the form and manner of corporations, and that have filed certificates for the purpose of being incorporated, but whose certificates are in some manner defective, or have been improperly acknowledged, or have been acknowledged before a person not authorized by law to take such acknowledgments, are hereby declared to be and to have been corporations from the date of the filing of such certificates, in the same manner and to the same effect and intent as if such certificates were without fault and properly acknowledged before the proper officer, and all such certificates are hereby validated and declared to be legal, and shall have the same force and effect as if such certificates were free from all fault or defect, and were properly acknowledged before an officer having authority to take such acknowledgments.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXCVI.—*An Act concerning Common Schools in the City of Placerville.* 1909-80

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

School Directors.

SECTION 1. The Board of Education of the City of Placerville shall be composed of one School Director from each ward in the city, and the electors residing within each ward shall, on the third Tuesday of April, eighteen hundred and sixty-four, and on the same day each two years thereafter, elect one person as a School Director, and the person so elected shall qualify and take office on the last Thursday in April, and shall hold office for two years and until their successors are elected and qualified. No member of the Board of Education shall receive any compensation whatever for the performance of any of his official duties.

SEC. 2. On the third Tuesday in April, eighteen hundred and sixty-four, and on the same day each two years thereafter, the

City Superintendent of Schools.

electors throughout the city shall elect a City Superintendent of Public Schools. He shall take the oath of office, and shall give bonds to the city of five thousand dollars, and take office on the last Thursday of April, and shall hold office for two years and until his successor shall have been elected and qualified. The Superintendent shall receive a salary of three hundred dollars per annum, payable monthly out of the City General Fund.

Board of Education.

SEC. 3. The Board of Education shall hold stated meetings on the last Thursday of each month, and either the President of the Board or Superintendent may, of his own will, and shall at the written request of two members, at any time call a special meeting of the Board, by giving each member six hours written notice, by delivering it to him personally or leaving it at his usual place of business or residence.

Organization of Board.

SEC. 4. The Board of Education shall organize annually on the last Thursday of April, by electing one of its members President, who shall be its executive officer and preside at its meetings; but the President may call another member to the Chair, or, in his absence, the members present may choose a President pro tempore. The Superintendent shall be Secretary of the Board, but in his absence any member of the Board may act as Secretary pro tempore. All meetings of the Board shall be public; three members shall be a quorum to transact business, but a smaller number may adjourn from time to time.

Powers of.

SEC. 5. The Board of Education shall have power:

First—To receive, purchase, and hold real estate and personal property in trust for the use of the Public Schools of the City of Placerville; *provided*, however, that no real estate shall be sold without the consent of each member of the Board and of each member of the Common Council, and that no real estate shall be purchased without the consent of four fifths of all the members of the Board and four fifths of all the members of the Common Council.

Second—To erect, repair, rent, and provide School-houses, and to furnish them with proper School furniture and apparatus, and to furnish necessary books and stationery for indigent pupils.

Third—To establish and maintain Public Schools and School Districts; to fix and alter the boundaries of such districts, and to regulate the attendance of scholars; to fix the terms upon which non-resident pupils may attend the Schools, and to collect the tuition fee for such non-resident pupils, and to expend the same for educational purposes.

Fourth—To elect and dismiss Teachers, and to fix their salaries or compensation; *provided*, however, that the annual election shall take place during the summer vacation; and, *provided*, further, that to elect or dismiss Teachers a majority vote of all the members of the Board shall be necessary.

Fifth—To audit and allow all equitable claims against the Public School Fund.

Sixth—To establish and regulate the grade of Schools, and determine what text books shall be used in each grade, and each class of each grade; *provided*, that no change shall be made in the text books adopted by the State Board of Education.

Seventh—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the gov-

ernment and progress of Public Schools within the city, and the Teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

Eighth—To elect a School Marshal for the city.

Ninth—To generally do and perform such other matters and things as may be necessary and proper to put into force and effect the powers conferred upon it.

Duties of City Superintendent of Schools.

SEC. 6. The City Superintendent of Public Schools shall be the ministerial officer and Secretary of the Board of Education, and may explain his views and make his recommendations upon any subject matter whatever under consideration or discussion by the Board. He shall keep a true record of the proceedings of the Board, and a correct record of all the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in aggregate and detail, of the outlays for each School; he shall draw warrants on the School Fund for all claims allowed by the Board of Education; he shall be general custodian of all property, books, papers, and documents belonging to the Board, and shall have a general supervision over School-houses and School property, and see that they are not wasted, injured, or destroyed; he shall, from time to time, recommend to the Board such alterations, additions, and changes in the grade of Schools, course of study, and such other matters and things as he deems proper. He shall, in August in each year, make to the Board a full and detailed report of the progress of the Schools for the preceding year, their present condition, the condition of the houses, lots, and furniture, the number of pupils taught in each, the cost per pupil, including all ordinary expenses. He may suspend or expel any pupil for misconduct or violation of rules, reporting such suspension or expulsion to the Board at its next meeting; *provided*, however, any party feeling aggrieved may appeal to the Board, which may confirm or reverse his action. He shall report to the Board any misconduct, want of ability, negligence, or inattention on the part of Teachers. He shall make, annually, a report to the County Superintendent of Public Schools, as provided for in the Common School Law; and he shall do and perform such other duties, matters, and things as may be required of or imposed on him by the laws of the Board of Education.

City School Fund.

SEC. 7. The Treasurer of the City of Placerville shall keep a City School Fund, into which shall be paid all moneys appropriated to it under any law providing city moneys, all moneys received from the State on account of the city's share of any apportionment of State School moneys, and the city's proportion of all county moneys collected or set apart for School purposes; and the Treasurer shall pay no claim out of the City School Fund except on the warrant of the City Superintendent, nor until after such claim has been audited and allowed by the Board of Education.

Vacancy in School offices.

SEC. 8. Any vacancy that may happen in the office of School Director, or of City Superintendent of Public Schools in the City of Placerville, from death, resignation, or a neglect, without satisfactory excuse, to attend the meetings of the Board of

Education of said city for the space of three consecutive months, may be filled by the said Board of Education at any regular or called meeting thereof by the choice of some qualified elector of the district, if the office be that of School Director, or of the city, if that of Superintendent. The person so appointed shall hold his office until the last Thursday of April next ensuing, and until his successor shall have been elected and qualified; *provided*, that no such vacancy shall be deemed to exist until the same has been so declared by the vote of a majority of all the members of said Board, at a meeting specially convened for that purpose.

SEC. 9. This Act shall be in force and take effect on the last Thursday in April, one thousand eight hundred and sixty-four, and all Acts and parts of Acts conflicting with the provisions hereof, or providing for the manner of governing Public Schools in the City of Placerville, are hereby repealed.

CHAP. CCXCVII.—*An Act defining the legal distances from the County Seat of Alpine County to the Capital, Lunatic Asylum, and State Prison.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legal distances established.

SECTION 1. The distances established by this Act shall be and the same are hereby declared to be the legal distances for which mileage shall be allowed:

First—For County Treasurer settling his accounts at the State Capitol at Sacramento.

Second—For conveying the insane to the Asylum at Stockton.

Third—To Sheriffs, for transporting prisoners to the State Prison at San Quentin.

SEC. 2. From the county seat of Alpine County to Sacramento, one hundred and forty miles.

To Stockton, one hundred and forty miles.

To San Quentin, two hundred and seventy miles.

CHAP. CCXCVIII.—*An Act to provide for the levying, assessing, and collecting of a Cash Contingent Fund for the County of San Diego.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax levied.

SECTION 1. There shall be levied, assessed, and collected, a tax of five cents on each and every one hundred dollars of tax-

able property in the County of San Diego, for the year eighteen hundred and sixty-four, and annually thereafter, unless the said tax is suspended by the Board of Supervisors, and the said tax shall be called the Cash Contingent Fund of San Diego County, and it shall be collected in the same manner and at the same time as the other county taxes are; and it shall be the duty of the County Treasurer, when the said tax is paid into the County Treasury, to place it in a separate and distinct Fund, which he shall call the "Cash Contingent Fund of the County of San Diego," and it shall not be lawful for him to use this Fund for any purpose whatever except to pay warrants drawn on said Fund by the County Auditor, who must have the authority and consent of the Board of Supervisors to draw the same, or they shall not be considered lawfully drawn.

Supervisors may suspend tax.

SEC. 2. The Board of Supervisors of San Diego County are hereby and by virtue of this Act authorized and directed to suspend the collection of this tax whenever, in the opinion of a majority of the Board, they shall deem it expedient; and they are also hereby clothed with full power to levy it again in the same manner.

SEC. 3. This Fund shall be expended by the Board of Supervisors in such a way, and for such purposes, and in such manner, as a majority of said Board shall, in their judgment, think expedient for the best interests of the county.

SEC. 4. This Act shall take effect and be in full force from and after its passage.

CHAP. CCXCIX.—*An Act to provide for the Election of the Police Judge of the City of Sacramento at the time of the Election of other Judicial Officers.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time of election.

SECTION 1. The Police Judge of the City of Sacramento shall be elected at the special judicial election to be holden on the third Wednesday in October, A. D. eighteen hundred and sixty-five, and every two years thereafter, and shall take office on the first day of January next succeeding his election, and shall hold for two years and until his successor is elected and qualified; *provided*, the present incumbent shall hold office until the first day of January, eighteen hundred and sixty-six.

SEC. 2. All Acts and parts of Acts, so far as the same conflict with the provisions of this Act, are hereby repealed.

CHAP. CCC.—*An Act granting the right to construct and maintain a Public Toll Bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns, therein named.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. A. E. O'Neil, J. P. Dyer, James W. Welch, Jr., H. J. Pishon, and such associates as they may admit, or their assigns, shall have, possess, and enjoy all the rights, privileges, rights of way, franchises, and immunities, hereinafter set forth and designated, upon the condition that they, their associates or assigns, incorporate themselves under the general laws of this State regulating and concerning corporations, and providing for the incorporation of bridge companies, and shall adopt the name of the San Diego Bridge Company, and shall further abide by and fulfil the conditions hereinafter set forth.

Powers. SEC. 2. Said company, when incorporated as set forth in the foregoing section, shall have full power to build, construct, and maintain a public toll bridge across the Colorado River, at or within ten miles below the junction of that river with the Gila River, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way across said river within the points named, and the privilege of using such right of way, for the period of twenty-five years next ensuing the passage of this Act; *provided*, that within two years from the date of the passage of this Act the said company shall commence the construction of said bridge, and within eighteen months thereafter fully complete the same, otherwise this Act shall be of no force or effect, and be null and void for all purposes whatever. After the completion of said bridge the said company shall keep the same in good passable order and repair, and shall be responsible for any damages arising to persons or property crossing the same which is caused by the neglect of said company to keep said bridge in good order and repair. After the expiration of fifteen years from the completion of said bridge, the County of San Diego shall have the right to purchase said bridge at an appraised value, which value shall be determined by five Appraisers, to be appointed and selected as follows: two by said San Diego Bridge Company, two by the Board of Supervisors of San Diego County, and the remaining Appraiser by the four Appraisers just mentioned; *provided*, that said bridge, after said purchase, if made, shall become free to all persons or property crossing the same; and, *provided*, further, that after said purchase, if made, the rights herein granted to said company shall cease and determine. If such purchase is made, the said bridge shall thenceforward be under the control of the Board of Supervisors of San Diego County.

Construction of bridge. SEC. 3. Said bridge shall be constructed in a good and substantial manner, of durable materials, at a sufficient elevation above high water mark as to permit the passage of steamboats or other vessels without let or hindrance. But it shall be law-

ful for said company, if such elevation cannot be readily obtained, to construct a draw of sufficient width to allow the passage of such steamboats or vessels as aforesaid. If such draw is constructed, it shall always be kept in good working order by said company and at their expense.

Tolls.

SEC. 4. The said company, upon the completion of said bridge, shall be entitled to charge and collect such tolls for crossing the same as the Board of Supervisors of San Diego County may fix and establish from time to time; *provided*, that the Legislature at all times may change or modify the rates of toll so fixed by said Board. Said company may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require that the same be not faster than a walk, and for each violation of such regulation the said company may recover damages before any Court of competent jurisdiction against any person violating such regulations. Said company shall also have power to determine and fix the number of teams or loose stock that shall be permitted to cross said bridge at any one time.

Bulletin board.

SEC. 5. Said company shall keep posted in some conspicuous place at each end of said bridge a bulletin board, on which shall be inscribed the rates of speed allowed on said bridge, the prices of toll, and the number of teams or loose stock that will be permitted to pass at any one time.

Location of bridge.

SEC. 6. If the location of said bridge within the points named as selected by said company shall be upon any military or other reservation of the United States Government, no effort shall be made to erect the same until the consent of the Government shall be first obtained by said company.

SEC. 7. All Acts or parts of Acts in conflict with this Act are hereby repealed; and it is hereby declared that the rights above granted are in no event to be so construed as to interfere with any ferry franchise heretofore granted.

CHAP. CCCI.—*An Act to authorize the Board of Supervisors of San Joaquin County to appropriate Money.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation authorized for premiums.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby authorized and empowered to appropriate one thousand dollars in eighteen hundred and sixty-four, and the same amount in eighteen hundred and sixty-five, from the General Fund of said county, for the purpose of paying premiums awarded by the Board of Managers of the San Joaquin Valley Agricultural Society, at the respective Fairs to be held in Stockton in eighteen hundred and sixty-four and eighteen hundred and sixty-five.

CHAP. CCCII.—*An Act to enable the State to acquire Title to certain grounds adjoining the State Prison Grounds at Point San Quentin, for State Prison purposes.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Directors may condemn lands

SECTION 1. Whenever the Board of State Prison Directors, created by an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, A. D. eighteen hundred and fifty-eight, shall not have acquired perfect title, in any manner and for any reason, to such additional grounds and real estate adjacent to the State Prison at San Quentin as the public use may require for the purposes of said Prison, it shall be lawful for said Board of Directors, in the name of the State of California, by petition signed by the Attorney-General, to bring suit for the condemnation of all such additional grounds and real estate as the said Board may in their judgment deem necessary for the convenience of the Prison and the use of the State, in the District Court held for any county of the Judicial District wherein said lands are situate, or of an adjoining District, which petition shall contain the names of all owners or claimants of any interest of any nature whatsoever, present or future, in said premises, so far as the same are known to the Attorney-General, and shall describe with convenient accuracy and certainty, by map or otherwise, the said lands sought to be condemned. Upon filing said petition, and upon application to the Judge of said Court, it shall be the duty of said Judge, either in term time or vacation, to order notice of the said application to be published in one weekly newspaper published in the City of San Francisco, at least once in each week, for four successive weeks, which notice shall contain a certified copy of said petition, except said map, and shall require all persons, known and unknown, interested in any manner in said grounds or real estate, to come into Court on a day to be specified in said notice, and file their objections in writing, if any they should have to the proposed condemnation or purchase, copies of which written objections shall be served upon the Attorney General; and upon the day specified in said notice, or upon such other day or days to which the matter may be adjourned or continued by the Court, it shall be the duty of the said District Court to empanel a jury in the manner provided by law, to assess the value of the grounds and real estate described in said petition, and the

Damages.

amount of all damages sustained by any parties interested in said premises thus to be appropriated, which amount of value and damages, when so assessed, together with the entire cost of said proceedings, and the expenses attending the same, the Attorney-General shall certify to the State Board of Examiners, and the said Board shall audit and allow the same, and it shall be the duty of the Controller forthwith to draw his warrant or warrants for the same in favor of the said Board of State Prison Directors on the Treasurer for the same, which warrant or

warrants it shall be the duty of the Treasurer to pay out of any money in the Treasury on the thirtieth day from the date of said warrant or warrants, and an appropriation for the payment of said total amount is hereby made out of any money in the Treasury, and the said Board shall pay or cause to be paid the whole of said moneys upon the direction, either in term time or vacation, of the Judge of said Court, into the County Treasury of the county in which said proceedings are had, for the benefit of all the parties interested; and thereupon the Sheriff of said county, upon the production of the certificate of the Treasurer of said county that the said total amount has been paid as aforesaid, shall execute in due form of law to the State of California, and deliver to the said Board of State Prison Directors, who shall deposit the same in the office of the Secretary of State, a deed of the said grounds and real estate, reciting the proceedings in said cause, which said deed shall convey to the State a good and valid title to said land and real estate as against all persons whomsoever, known and unknown, and thereafter the State of California shall be the owner of said grounds and real estate in fee simple absolute; *provided*, that said Board of State Prison Directors may receive, in the name of the State of California, voluntary conveyances of any portion of said lands, or conveyances for prices to be agreed upon between said Board and the proper owner or owners thereof.

Voluntary conveyances

SEC. 2. The money so paid into the County Treasury shall there remain until ordered to be paid out by a Court of competent jurisdiction.

SEC. 3. It shall be the duty of the Judge directing money to be paid into a County Treasury, in accordance with the provisions of this Act, to require of such Treasurer a bond, in double the amount of money ordered to be paid to him, with two or more good and sufficient sureties, to be approved by said Judge, and every successor of said Treasurer shall execute a like bond, in double the amount of said money that may still remain in the County Treasury, not paid out by order of the Court as aforesaid. Said bonds shall be payable to the State of California, for the use and benefit of such persons, severally, as are entitled to said moneys or any part thereof. Said bonds, so executed and approved, shall be filed with the Clerk of said Court by the County Treasurer before receiving said money.

Bond of County Treasurer.

SEC. 4. In all cases of publication of notice under this Act, the Court or Judge shall require the same proof as in cases of the publication of notice under the Civil Practice Act of this State; and the provisions of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and of the Acts amendatory thereof and supplementary thereto, are made applicable to the proceedings had under and by virtue of this Act, except in so far as they are in conflict with the provisions of this Act.

Act made applicable.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCIII.—*An Act directing the Board of Trustees of the City of Sonora to levy a Special Tax for the benefit of the Fire Department.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax levied. SECTION 1. The Board of Trustees of the City of Sonora are hereby directed, and it is hereby made their duty, to levy and collect for the year eighteen hundred and sixty-four, a special tax of fifty cents on each one hundred dollars worth of taxable property within the limits of said City of Sonora, and annually thereafter a special tax that shall not exceed fifty cents nor be less than twenty cents on each one hundred dollars worth of taxable property within the limits of said city of Sonora, for the benefit of the Fire Department of said city; and all moneys collected under the provisions of this Act shall be set apart and kept by the Board of Trustees as a special Fund, to be known as the Fire Department Fund; *provided*, that the levy and collection of the annual tax herein directed to be levied and collected, may be omitted during any year after the year eighteen hundred and sixty-five, at the discretion of the Board of Trustees of said city.

Manner of collection. SEC. 2. The tax authorized to be levied and collected by this Act shall be levied and collected at the same time and in the same manner as other taxes for said city are levied and collected, or in like manner and time as said last named taxes may have been heretofore levied and collected; *provided*, that the tax herein directed to be levied shall be levied on or before the first Monday in April of each year.

Appropriation of funds SEC. 3. The Board of Trustees of said city, upon a written recommendation of the Board of Delegates of the Fire Department to that effect, duly attested by the President and Secretary thereof, are hereby authorized and empowered, with the funds raised as herein provided:

First—To build a reservoir of such capacity and at such place as they may select, and connect the same by proper pipes with the water pipes now laid down in said city.

Secondly—To purchase hose and other material for the use and benefit of the Fire Department of said city, and thereafter to purchase, for the use and benefit of said Fire Department, any real estate or personal property that the welfare of said Fire Department may require; and all the property thus purchased and all improvements thus made shall be the property of said City of Sonora, and under the control and supervision of said Board of Trustees, and said Board shall cause the same to be kept in good repair, and exercise general supervision and control over the same; *provided*, that nothing in this section shall be so construed as to interfere with the rights of the Fire Department as heretofore granted.

Surplus moneys. SEC. 4. All surplus moneys, if any, arising from the tax herein authorized to be levied and collected, shall be kept by the Board of Trustees of said city as a Special Fire Department Fund, subject only to their order, to be appropriated at any

time thereafter for the benefit of the said Fire Department, upon the recommendation of the Board of Delegates, in like manner as provided in section third of this Act.

SEC. 5. This Act shall take effect immediately after its passage.

CHAP. CCCIV.—*An Act to fix the Salary of the Clerk of the Board of Supervisors of the County of Sonoma.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Clerk of the Board of Supervisors of the County of Sonoma shall receive a compensation for his services, to be fixed by the Board, not to exceed the sum of three hundred and sixty dollars per annum. Salary.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCV.—*An Act for the Relief of the State Agricultural Society.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized to levy an additional special tax of ten cents on each one hundred dollars of taxable property within the said City of Sacramento, and the moneys arising therefrom shall be known as the "Agricultural Fund." City tax authorized.

SEC. 2. The Board of Supervisors of the County of Sacramento are hereby authorized to levy an additional special tax of fifteen cents on each one hundred dollars of taxable property within the county, and the money arising therefrom shall be known as the "Agricultural Fund." County tax authorized.

SEC. 3. All taxes levied under the provisions of this Act shall be collected by the same persons, at the same time, and in the same manner as other taxes are collected in the said City of Sacramento and said County of Sacramento, and shall be paid over weekly by the officers collecting the same (city or county, as the case may be) to the County Treasurer, who shall keep the same in a separate and distinct Fund, to be known as the "Agricultural Fund," and which shall be paid out and disposed of in the following manner, to wit: Whenever the amount of the aforesaid Agricultural Fund shall equal the sum of one thousand dol- Manner of collection.

lars, the County Treasurer shall advertise for proposals to surrender warrants against the General Fund of the State Agricultural Society which accrued prior to the first day of January, eighteen hundred and sixty-three, for the period of five days, in some daily newspaper published in the City of Sacramento, which proposals shall be sealed and shall be directed to the County Treasurer of said County of Sacramento. At the expiration of five days from the first day of advertising, at such hour as may be named in the advertisement, the said County Treasurer shall, at his office, publicly open, register, and examine all proposals submitted, and shall award the moneys to the party or parties who have proposed to surrender the greatest amount of such warrants per dollar of the money; *provided*, no bid shall be accepted for more than par value of the warrant or warrants. The said Treasurer shall, upon the redemption of such warrant or warrants, cancel the same by writing upon the back thereof the word "Paid," and the date of said payment, over his own signature, and shall show further, in such indorsement, the amount paid for the redemption of such warrants, which warrants, when paid and indorsed as aforesaid, shall be by the said Treasurer remitted to the Secretary of the said Agricultural Society, which Secretary shall give his receipt therefor, and the said receipt shall be the full and sufficient vouchers for the Treasurer.

Surplus moneys.

SEC. 4. In case any money shall remain in or come into the said Fund after all the outstanding warrants aforesaid shall have been paid, the same shall be used by the Board of Supervisors of Sacramento County for the purpose of improving and repairing and finishing the building situated at the corner of Sixth and M Streets, in the City of Sacramento, known as Agricultural Hall, and for no other purpose whatsoever.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCVI.—*An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to take and subscribe Fifty Thousand Dollars to the capital stock of the Carson Valley Turnpike Company, and to provide for the payment of the same, approved March twenty-second, eighteen hundred and sixty-four.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election to be held.

SECTION 1. The Board of Supervisors of the County of Calaveras shall order a special election to be held in said county at the several places for holding elections therein, on the twentieth day of April, A. D. eighteen hundred and sixty-four, for the purpose of submitting to the qualified electors of said county the proposition of authorizing the Board of Supervisors to take and subscribe fifty thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, by which

turnpike communication shall be completed between a point known as the Big Trees in said county and the eastern boundary of the State of California.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. Said Board of Supervisors shall cause notice of at least ten days to be published in one newspaper printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Said Board shall also cause ballots to be prepared with the words "Subscription of fifty thousand dollars to the Big Tree and Carson Valley Turnpike," printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition within the same time and in the same manner as provided in case of the election of county officers to the Clerk of said county of the number of votes voting "No," and the number voting "Yes;" which returns so made shall, on the fifth day after said election, be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted the result thereof shall be declared officially by said Board of Supervisors, who shall, at the time herein prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock as hereinafter provided.

Supervisors to give notice of the proposition to be voted on.

SEC. 3. This Act shall take effect immediately on and after its passage.

CHAP. CCCVII.—*An Act to authorize Andrew B. Forbes, his Associates and Assigns, to construct a Wharf at Green Point, in the County of Alameda.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Andrew B. Forbes, his associates and assigns, are hereby authorized to build and maintain a wharf at the point known as Green Point, in the Township of Washington, and County of Alameda, and connecting with or adjacent to the lands of said Forbes in said township and county, and to extend the same into the Bay of San Francisco such distance as will give ten feet of water at the termination of said wharf at extreme low tide; and there is hereby granted to the before mentioned parties the right to use and occupy a strip of tide lands or mud flats one hundred feet in width on either side of said wharf.

Franchise.

SEC. 2. This franchise is granted and shall continue for the term of twenty-five years.

Time of completion of work.

SEC. 3. If the said wharf shall not be commenced within two and finished within four years after the passage of this Act, then all the rights herein granted shall be deemed forfeited.

Wharfage.

SEC. 4. No tolls or wharfage shall be charged upon or for the use of said wharf; *provided*, however, that if the aforesaid grantee, his associates or assigns, shall at any time desire to charge tolls upon or wharfage for the use of said wharf, he or they shall apply to the Board of Supervisors of said Alameda County for liberty to do so, and thereupon said Board shall, by an order entered upon its minutes, fix the rates of tolls and wharfage to be charged upon or for the use of said wharf, which shall be the only rates of toll or wharfage chargeable upon or for the use of said wharf, unless altered or modified by order of said Board of Supervisors.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCVIII.—*An Act to amend an Act entitled an Act concerning Offices, approved April twenty-second, eighteen hundred and sixty-three.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-seven of an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Resignations, to whom tendered.

Section 27. The County Judges, when they resign their offices, shall tender their resignations to the Governor of the State. All other county officers, and officers of subdivisions of a county, when they resign, shall tender their resignations to the Board of Supervisors of their respective counties.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCIX.—*An Act to amend an Act entitled an Act to make certain Offices in the County of Tuolumne Salaried Offices, approved February twenty-first, eighteen hundred and sixty-one.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of said Act is hereby amended so as to read as follows:

Fee Book to be kept.

Section 13. The officers named in the first section of this Act, including District Collectors, if there should be more than one district in the county, all Assistants and Deputies, if so required to

do by the Board of Supervisors, shall, from and after the first Monday in October, A. D. eighteen hundred and sixty-one, keep a book, to be denominated a "Fee Book," which book shall be the property of the county, and which shall be open during office hours to public inspection. In this book shall be entered in detail all fees or compensation of whatever nature or kind collected or chargeable, in one column the fees or compensation belonging to the county, and in another column the fees or compensation which under this Act may be retained by the officer. On the first Monday of November, A. D. eighteen hundred and sixty-one, and on the first Monday of each month thereafter, the officer shall carefully add up the several columns and set down the total; and the compensation and fees collected or chargeable for the county, shall be paid to the County Treasurer, accompanied by a full, accurate, and detailed statement, made by the District Collectors or Deputies in duplicate, under oath, of all fees, percentage, and compensation of whatever kind, collected for or charged for the county; and accompanied, as regards the other officers referred to in this section, by affidavits in duplicate, setting forth the amount of all fees, percentage, and compensation of whatever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipts and one of the statements or affidavits herein required to be made out in duplicate shall be filed with the Auditor; and until the payment of such fees or compensation which under this Act shall belong to the county shall be made to the Treasurer, and said Treasurer's receipt and such officer's affidavit or detailed statement have been filed with the Auditor, said Auditor is prohibited from drawing any warrant and the Treasurer from paying any warrant in favor of such officer or any of such officers' Deputies. It is hereby expressly provided, that any officer crediting any fee or percentage for any official service which under this Act is provided to be paid into the County Treasury, shall do so at his own risk, and said officer shall set down the same in his "Fee Book," and it shall be paid by him into the County Treasury as herein provided, the same as if he had collected said fee at the time or prior to the performance of the service for which said fee was chargeable. The duplicate certificate or affidavit herein provided to be filed with the Treasurer and Auditor shall be sworn to as follows:

Fees belonging to county to be paid to County Treasurer.

"I, ———, Sheriff, (or other officer, as the case may be,) of the County of Tuolumne, do solemnly swear that the entire fees, compensation, percentage, and payment for official service rendered by me, or any Deputy or person connected with my office for me, has been entered in detail in the "Fee Book" of my office and added up, and that the portion belonging to the county is ———, and that said amount is the full amount received or chargeable since the last payment, and neither myself, nor to my knowledge, any Deputy for me, has rendered any service except service for the county or State which is not entered and added up to make the aforesaid sum."

Affidavit.

Fund to which county fees belong.

All fees or compensation for official service which under the provisions of this Act are required to be paid into the County Treasury, shall be and is hereby constituted and known as the "County Officers' Salary Fund," which amount so remaining in the County Treasury on the first Monday of each month, from and after the first Monday in October, A. D. eighteen hundred and sixty-one, shall be set apart and applied to the payment of warrants drawn on the Treasury for the salaries of county officers, their Assistants, Clerks, and Deputies; *provided*, that after paying or setting apart by the Treasurer an amount equal to the amount due the officers named in this Act, their Assistants, Clerks, and Deputies, that any residue shall be placed to the credit of the "Current Expense Fund," to meet the contingent expenses of the county. The county officers named in this Act shall perform all services required of them by law for county purposes without fee or compensation other than is provided for in this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCX.—*An Act to extend over the County of Nevada the provisions of the Act entitled an Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five, and Acts amendatory thereof and supplementary thereto.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Provisions of Act extended.

SECTION 1. The provisions of an Act entitled an Act concerning lawful fences, passed April twenty-seventh, eighteen hundred and fifty-five, and of the Act amendatory of and supplementary to said Act, approved April third, eighteen hundred and sixty, and the Act amendatory of said Act, approved May eighteenth, eighteen hundred and sixty-one, are hereby extended over, made valid and binding, and declared to be in full force and effect in the County of Nevada; and all provisions contained in said Acts expressly excepting said County of Nevada from the operation of said Acts are hereby repealed, in so far as the same relate to and have effect in said County of Nevada.

CHAP. CCCXI.—*An Act to fix the compensation of the Board of Supervisors of Sonoma County.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each member of the Board of Supervisors of the County of Sonoma shall be entitled to receive for his services for each day's necessary attendance on the business of the county a sum to be fixed by the Board, not exceeding four dollars per day, and not to exceed in the aggregate during any one year two hundred dollars, and the mileage heretofore provided by law. Per diem of Supervisors

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they apply to the County of Sonoma.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCXII.—*An Act to confer certain powers on the Board of Supervisors of the County of Sonoma.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Sonoma are hereby authorized to appropriate a sum not exceeding six hundred dollars, and which, in the opinion of the said Board, shall be deemed just and equitable, to pay John B. Raney for the board and lodging of the Sheriff's posse while engaged, in September, eighteen hundred and sixty-two, in enforcing the execution of certain writs of restitution against certain settlers on the Sotoyome Rancho, and for the costs and disbursements of said Raney in seeking to enforce the collection of his account for such board and lodging. Also, to appropriate such further sum as, in the opinion of said Board, may be just and equitable, not exceeding three hundred dollars, to pay J. M. Bowles, then Sheriff, his costs and expenses in serving said writs, for which no compensation is now allowed by law; and the Auditor of said county is hereby authorized to audit and the Treasurer to pay the sums of money so allowed by said Board out of the General Fund of said county; *provided*, this Act shall not be construed so as to authorize the Board of Supervisors to allow to said Raney or Bowles the costs or expenses of litigation. Supervisors authorized to appropriate money.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXIII.—*An Act to provide for the Construction of additional Cells at the State Prison.*

[Approved April 1, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

A tax of five cents levied.

SECTION 1. A tax of five cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected and paid for the year eighteen hundred and sixty-four, for the purpose of constructing additional buildings and cells within the Prison yard of the State Prison, upon the assessed value of all real and personal property in this State not by law exempt from taxation, and the said tax levied under the provisions of this Act shall be paid in legal coin of the United States, or in foreign coin at the value fixed for such coin by the laws of the United States.

How expended.

The money collected under the special tax herein provided shall be expended in the erection of an additional building or buildings, and in an additional story to the present building within the State Prison yard; said building or buildings and said additional story to be so constructed that, with the cells now in use, they shall contain five hundred cells, each cell to be so constructed as to contain one prisoner only.

Controller to draw warrants.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants on the Treasurer of State in favor of the Directors of the State Prison, in such sums as may be required of him from time to time by said Directors; *provided*, that said warrants do not exceed in the aggregate the sum that shall be collected and paid into the Treasury under the provisions of this Act; and, *provided*, further, that the Board of Supervisors of each of the several counties of this State are hereby required, at their meetings to be held on the first Monday of May, A. D. eighteen hundred and sixty-four, if at that time they have not already done so, to add to the amount levied by law on each one hundred dollars of taxable property, real and personal, for either State or county purposes, the ad valorem tax levied by this Act; and the tax so levied is hereby made a lien against the property so assessed, which lien shall attach on the first Monday of May, eighteen hundred and sixty-four. If any surplus remains in the Treasury after the construction of the buildings herein provided for, it shall be applied to the Fund for the Support of the State Prison.

Duties of Board of Supervisors.

SEC. 3. The moneys collected under the special tax herein levied shall be expended under the direction of the Board of Directors of the State Prison, after the adoption of some suitable plan. This Act shall take effect and be in force from and after its passage, and all laws or parts of laws inconsistent or being in conflict with this Act are hereby repealed.

CHAP. CCCXIV.—*An Act to promote the study of Anatomy.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Physicians may have dead bodies.

SECTION 1. Any Physician or Surgeon duly qualified according to the laws of this State, or any medical student under the authority of any such Physician or Surgeon, may have in his possession human dead bodies, or the parts thereof, for the purposes of anatomical inquiry or instruction.

Dead bodies of paupers.

SEC. 2. Any Sheriff, Coroner, Warden of a County Poor-house, public Hospital, County or State Prison, or the Mayor or Board of Supervisors of the City of San Francisco, may surrender the dead bodies of such persons as are required to be buried at the public expense to any regular Physician duly qualified according to law, to be by him used for the advancement of anatomical science; preference being always given to Medical Schools by law established in this State, for their use in the instruction of medical students.

Shall be buried in certain cases.

SEC. 3. No such dead body shall, in case so surrendered, if the deceased person during his last sickness requested to be buried, or if, within thirty-six hours after his death any person claiming to be of kindred or a friend to the deceased shall require to have the body buried, or if such deceased person was a stranger or traveller, who suddenly died before making himself known, but the dead body shall in all such cases be buried.

Physician receiving dead bodies must give certificate.

SEC. 4. Every Physician shall, before receiving such dead body, give to the Board or officer surrendering the same to him, a certificate from the Medical Society of the county in which he resides, or if there shall be none, from the Board of Supervisors of the same, that he is a fit person to receive such body; he shall also give a bond, with two sureties, that each body so by him received shall be used only for the promotion of anatomical science, and that it shall be used for such purpose within this State only, and so in no event to outrage the public feeling, and that after having been so used the remains thereof shall be properly buried in some public cemetery, and the usual record made of name and burial, at the expense of the Physician being in possession of said body; *provided*, that nothing in this Act contained shall authorize the use of any dead body for anatomical purposes except of those persons who have died during their term of service in the State Prison, or been executed for crime.

SEC. 5. This Act shall take effect immediately after its passage.

CHAP. CCCXV.—*An Act to grant the right to construct a Turnpike Road between the Town of Searsville, in the County of San Mateo, and the Town of Pescadero, in the County of Santa Cruz.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. John W. Ackerson, Charles N. Fox, Horace Templeton, John W. Sears, and such persons as they may associate with them, shall take, have, possess, and enjoy all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they shall incorporate themselves under the general law of the State regulating corporations, and providing for the incorporation of turnpike roads, and shall abide by and fulfil the further conditions hereinafter mentioned.

Right of way SEC. 2. The said company shall have full power to build and maintain a public turnpike road from the Town of Pescadero, in the County of Santa Cruz, up the Pescadero Creek, and eastwardly over the mountain to Searsville, in the County of San Mateo, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company for the term of twenty-five years; and the State enters into these covenants, and grants these rights and privileges upon express condition that within one year from the passage of this Act said company shall commence and within two years complete the said turnpike road.

Condemnation of property. SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads in relation to the taking of property for the use of plank and turnpike roads are hereby extended to the said Searsville and Pescadero Turnpike Road Company; the damages to be paid in the same manner as they are by plank and turnpike road companies.

Width of road. SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the passage of the largest and heaviest sized teams, and said road shall be kept at all seasons of the year in good condition for travel by the largest or heaviest lumber or other teams.

Sign boards. SEC. 5. The said company shall keep at each end of the road a sign board, which shall show the scale of prices and the regulations of the road.

Tolls. SEC. 6. The said company, upon the completion of said turnpike road, shall be authorized and empowered to charge and collect such rates of toll as the Boards of Supervisors of Santa Cruz and San Mateo Counties may annually fix.

Company may take and adopt county road. SEC. 7. Said company, with the consent of the Board of Supervisors of San Mateo County, may adopt and take as a part of their road the present county road, from Templeton's house to Searsville, but in that case shall never erect or establish any toll gate at any point east of said Templeton's house.

SEC. 8. If at any time during the continuation of the franchise granted herein, the Board of Supervisors of the counties

within which said road is located desire to make the same a free road, they are hereby empowered to purchase the same by paying to the owners the value thereof at the date of such purchase; such valuation to be determined by three Commissioners, one to be appointed by the Board of Supervisors of San Mateo County, one by the Board of Supervisors of Santa Cruz County, and one by the owners of said road; the cost so ascertained to be paid by the respective counties in proportion to the value of that portion of the road in such county. Counties may purchase road.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXVI.—*An Act supplementary to an Act entitled an Act concerning Officers, approved April twenty-second, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each Supervisor District of the several counties of this State shall be entitled to one Supervisor to represent said district, whose term of office shall be for three years from and after the first Monday of the month succeeding their election, and until their successors shall be elected and qualified. In the year one thousand eight hundred and sixty-four, there shall be elected a Supervisor at the election held for Presidential Electors to succeed the Supervisors of the district where a vacancy transpires in that year, and in each and every year thereafter a Supervisor shall be elected to succeed the Supervisor whose term of office will then expire, at the same time and in the same manner as is now provided in the Act to which this is supplementary for the election of State and county officers; *provided*, that in each year when no general or Presidential election is held, the Clerk of the county shall call a special election in the Supervisor District where the term will expire that year to fill the office of Supervisor for that district for the ensuing term, and shall, at the same time, name the precincts in said district at which said election shall be held, and also name the Inspectors and Judges to conduct the same. Said notice and appointments shall be given and made, and said election shall be conducted, returns made, votes canvassed, and the result thereof declared, in the same manner as is now provided for by law for the election of State and county officers; and it is, further, *provided*, that the provisions of this Act shall not affect any Supervisor now in office duly elected previous to the passage of this Act, and they shall have all the powers conferred upon Supervisors, and shall perform all the duties enjoined upon them, and receive the same compensation now conferred, enjoyed, or allowed by any law of this State in force at the time of the passage of this Act. Election of Supervisors. Term of office. Special election. Proviso.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

Counties excepted.

SEC. 4. The provisions of this Act shall not apply to counties where they have a greater number of Supervisors than three, except as to the time and manner of holding elections for Supervisors in the several counties in this State, nor to the City and County of San Francisco, the Counties of Alameda, Sacramento, Del Norte, San Mateo, Butte, Santa Clara, San Bernardino, Placer, Sierra, and Sutter.

CHAP. CCCXVII.—*An Act amendatory of and supplemental to an Act entitled an Act concerning the Insane Asylum of California, and to levy a Tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven is amended to read as follows:

Powers and duties of Resident Physician.

Section 7. The Resident Physician, who shall also be Superintendent, shall be the chief executive officer of the Asylum. He shall have the general superintendence of the buildings, grounds, and property, subject to the laws and regulations of the Directors. He shall have the sole control of the patients, prescribe their treatment, and adopt such sanitary measures as he may think best. He shall appoint, with the approval of the Directors, so many attendants and assistants as he may deem proper and necessary for the economical and efficient performance of the business of the Asylum, prescribe their several duties and places, fix, with the Directors' approval, their compensation, and discharge any of them, subject to the approval of the Board of Directors. He shall also give, from time to time, such orders and instructions as he may judge best to insure good conduct, fidelity, and economy in every department of labor and expense, and he is authorized and directed to maintain salutary discipline among all who are employed by the institution, and to enforce obedience to all rules and regulations of the Asylum. He is required to estimate, quarterly in advance, the probable expenses of the Asylum, and submit the same to the Directors at their stated meeting for their approval; and the Controller of State is hereby authorized and directed to draw his warrants for the amount thus ascertained and approved by the Directors, in three equal sums, in favor of the Directors, to be drawn monthly, and the Treasurer of State is hereby authorized and directed to pay the same out of any moneys set apart by law for the use and benefit of said Asylum. The Resident Physician is further required to ascertain as nearly as he can, and report to the Directors, the amount, character, and quality of provisions, fuel, and clothing needed for the six months ending on the first day of May and November of each year, and the Directors shall then advertise for con-

tracts for furnishing such supplies for three weeks, successively, in one newspaper in San Francisco, one in Sacramento, and one in Stockton. The contract or contracts shall be awarded to the lowest bidder or bidders, upon their giving satisfactory security for the same. Other needful expenditures than those for provisions, fuel, and clothing shall be made under the direction of the Superintendent, subject to the inspection of the Auditing Committees and approval of the Board of Directors. The Superintendent shall cause full and fair accounts and records of all his official transactions to be kept from day to day, in books provided for that purpose, in the manner and to the extent prescribed by the by-laws; and he shall see that all of his accounts and records are fully made up to the first day of October of each year, and that the principal facts and results, with his report thereon, be presented to the Directors as soon as possible thereafter, that they may submit the same, and a report therewith, to the Governor on or before the first day of November. The said Resident Physician shall reside within the Asylum grounds, and shall not be allowed to engage in any private practice, but shall be in attendance at all times at said Asylum, except when he may obtain leave of absence from the Directors.

SEC. 2. Section fourteen of said Act is amended so as to read as follows:

[Section 14.] The County Judge of any county in the State shall, upon application under oath setting forth that a person, by reason of insanity, is dangerous to be at large, cause the said person to be brought before him, and he shall summon to appear, at the same time and place, two or more witnesses having had frequent intercourse with the accused during the time of the alleged insanity, who shall testify under oath as to conversation, manners, and general conduct upon which said charge of insanity is based, and he shall also cause to appear before him, at the same time and place, two graduates in medicine, before whom the County Judge shall examine the charge, and if, after a careful hearing of the case and a personal examination of the alleged insane person, the said Physicians shall certify on oath that the person so examined is insane, and that the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal, or incendiary disposition, or that, from any other violent symptoms, the said insane person would be dangerous to his or her own life, or to the lives and property of the community in which he or she may live, and if said Physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this State, State last from, previous habits, premonitory symptoms, apparent cause and class of insanity, duration of the disease, and present condition, as nearly as can be ascertained by inquiry and examination, and if the County Judge shall be satisfied the facts revealed in the examination establish the existence of insanity in the person of the accused of a recent or curable nature, or of a homicidal, suicidal, or incendiary character, or, from the violence of the symptoms, the said insane person would be dangerous to his or her own life or to the lives and property of others, to be at large, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in the Insane Asylum such insane person, and

County Judge to examine insane persons.

Physicians to attend.

shall transmit a copy of the complaint, commitment, and Physycians' certificate, which shall always be in the form as furnished to the Courts from time to time by the Board of Directors, to the Resident Physician of said Asylum, and such person so appointed shall receive for such services the same fees as are allowed by law to the Sheriff for like services, to be paid in like manner, and the said Physicians shall be allowed by the Supervisors of the county five dollars, each, for said examination; *provided*, that no case of idiocy, or imbecility, or simple feebleness of intellect, or old cases of demented or any other class of old, incurable, and harmless insanity shall be maintained at nor shall any case of delirium tremens be admitted into the Asylum.

Fee for examination.

SEC. 3. Section fifteen of said Act is hereby amended to read as follows:

Further duties of County Judge.

[Section 15.] The County Judge shall cause inquiry to be made into the ability of insane persons committed by him to bear the charges or expenses for the time he or she may remain in the Asylum. In any case where the insane person is able, by the possession of money, or real or personal property, to pay said charges, the County Judge shall appoint a Guardian for said insane person, who shall be subject to the general law in relation to Guardians, as far as the same may be applicable, and when there is not sufficient money in hand the Judge shall order the sale of the property of such person, or so much thereof as may be necessary, from the proceeds of which sale the said Guardian shall pay to the Directors of the Asylum the sum of fifteen dollars a month, quarterly in advance, for the maintenance of said insane person, and he shall out of proceeds of such sale also provide clothing for said insane person, such as may be required from time to time by the Resident Physician, and shall give a bond, with good and sufficient sureties, payable to the Directors of the Asylum, and approved by the County Judge, for the prompt payment, in advance, of said charges, and for the supply of said clothing for every successive quarter the said insane person may remain in the Asylum, or as long as there shall be a sufficiency of said property to meet said charges and expenses. Indigent insane persons having kindred in the degree of husband or wife, father, mother, or children, living within this State, of sufficient ability, said kindred shall support such indigent insane person to the extent herein prescribed for paying patients in proportion to their respective ability; and the County Judge by whom such insane person shall be committed to the Asylum is hereby authorized and directed to assess and apportion upon the said kindred the sum of fifteen dollars a month, payable to the Directors of said Asylum quarterly in advance, and said assessment or assessments is hereby made a lien against the property of the kindred of said indigent insane person, which lien shall attach on the day and date of the commitment by the County Judge. In default of said kindred so assessed to meet said charges within thirty days from the date of the assessment; or otherwise provide for said insane person, the District Attorney shall enforce payment thereof by suit at law in common form, and he shall be entitled to receive the same fees allowed for collection of delinquent taxes; *provided*, that no homestead or other property, exempt by law

Payment required of patients when able.

Proviso.

from execution, shall be sold or appropriated to pay said assessments, or to pay the charges and expenses of any insane person in the Asylum, when said property is necessary for the support of a father or a mother, or a family. Should such insane person or persons recover and be discharged before the expiration of the time for which payment shall have been made in advance, the Directors of the Asylum shall refund to the said Guardian, or to the County Judge, for distribution among said kindred, in the proportion in which they shall have paid, any sum remaining over and above the charges at the rate of three dollars and seventy-five cents a week; *provided*, that no amount shall be refunded for any fraction of the first month the said insane person or persons may remain in the Asylum. Any person or persons committed to the Asylum having money in their own right on their person when arrested, or having money due them for services rendered as employé in business or labor, the same, if money in hand, shall be certified to by the committing Judge, and ordered to be sent with said insane person or persons to the Asylum, and if money due for services, the County Judge shall direct the District Attorney of the county to collect by suit or otherwise, and remit the same to the Directors, and when the amount or amounts thus forwarded to the Directors shall not exceed the sum of fifty dollars it shall be held on deposit for the use and benefit of said insane person or persons when discharged, but when the same shall exceed fifty dollars the excess shall be paid to the Treasurer of the Asylum, and shall be applied monthly for the maintenance of said insane person or persons in such sums as required for other paying patients. On the death of such insane person or persons, the balance of the money on deposit for his or her use shall be held subject to the order of his or her legal representatives; or in case the said insane person or persons shall recover, then the fifty dollars, together with the balance of the excess, if there be any, shall be refunded to said person or persons when discharged. The kindred or friends of an inmate of the Asylum may remove such inmate from the Asylum upon giving satisfactory evidence to the Court by which such insane person was committed that they or either of them are prepared to take charge of and give proper care and attention to said insane, and to protect the community into which he or she may be removed against his or her insane acts; and the County Judge is hereby authorized and directed to issue an order of removal directed to the Resident Physician of said Asylum, when receiving such satisfactory evidence, and the said Resident Physician is hereby directed to reject all applications for removal of insane persons except on the presentation of such orders.

SEC. 4. Section sixteen of said Act is hereby amended to read as follows:

[Section 16.] Insane persons, not citizens of this State, may be committed to said Asylum upon such legal proceedings being had as required in section fourteen of this Act in cases of insane persons residents of this State, and upon complying with the payments and giving the bond, with sureties, as provided in section fifteen of this Act, and upon no other conditions. But no indigent insane person, a citizen or resident of any other State

Non-residents.

or Territory, shall be committed to said Asylum unless the Governor of the State or Territory, or the Supervisors of the county of the State or Territory of which the said indigent insane person is a citizen or resident, shall pay to the Directors of the Asylum twenty-five dollars a month, quarterly in advance, and supply suitable clothing for said insane person, for the first quarter, and execute a bond, with good and sufficient sureties, for the payment of all subsequent quarters in advance, and also for the supply of suitable clothing, in the same manner and to the same extent as required for other paying patients.

Harmless patients to be removed.

SEC. 5. The Directors of said Asylum are hereby authorized and enjoined to exclude from the benefits of the institution all persons not herein enumerated as entitled to admission; *provided*, that all indigent patients of a harmless character admitted since the passage of this Act, after a residence in the Asylum for two years without a prospect of recovery, shall be removed by order of the Supervisors of the counties whence committed immediately upon notice being given by the Resident Physician of the Asylum.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

CHAP. CCCXVIII.—*An Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce Public Expenses and Taxation in said county.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisor districts.

SECTION 1. The County of Butte shall be divided into three Supervisor Districts, to be known as District Number One, District Number Two, and District Number Three. The Townships of Hamilton, Ophir, and Oregon, shall be District Number One; the Townships of Chico, Concow, and Kimshew, shall be District Number Two; the Townships of Wyandotte, Bidwell, Oro, and Mountain Spring, shall be District Number Three.

Term of office.

SEC. 2. The term of office of each member of the Board shall be for three years from and after the first Monday of January subsequent to their election, and until their successors are elected and qualified. At the general election in eighteen hundred and sixty-four one Supervisor shall be elected for District Number One, and every three years thereafter; in the year eighteen hundred and sixty-five one Supervisor shall be elected for District Number Three, and every three years thereafter; in the year eighteen hundred and sixty-six there shall be one Supervisor elected for District Number Two, and every three years thereafter.

SEC. 3. From and after the first day of January, one thousand eight hundred and sixty-five, the compensation to be paid

to each member of said Board shall be five dollars per day for each day of actual services in session, and fifty cents per mile, for going only, from the place of his residence to the county seat of said county, once only for each regular and called session; *provided*, the compensation in per diem of each member shall not exceed four hundred dollars; *provided*, further, that the Chairman of said Board shall receive as compensation for his services the sum of six dollars per diem for each and every day of actual services in session, not to exceed the sum of five hundred dollars; and the payment of all per diem and mileage provided for in this Act shall be paid out of the Salary Fund of said county as other salaries are paid; but no warrant shall be issued in favor of any member of said Board, except upon certificate of the County Clerk as to the number of days' services rendered, and the number of miles travelled, for which payment is due; *provided*, further, that nothing in this Act shall alter or reduce the salary of the present members of the Board of Supervisors. Compensation.

SEC. 4. Every person having a lawful claim payable out of the County Treasury of said county, or out of any public funds of said county, shall, within six months after it accrues, present a demand therefor in writing, signed by him or his Agent, and verified by affidavit, stating minutely what the claim is for, by what particular provision of law its payment out of the Treasury is authorized, and specifying each several item, with the proper date and amount thereof; *provided*, that the compensation of jurors and witnesses, as far as the same are authorized by law to be paid out of the County Treasury, shall be paid in the same manner as they are now authorized to be paid; *provided*, further, that if said demand be for official salaries, or any other claims, the payment whereof out of said County Treasury is expressly authorized by statute, and the precise amount fixed by law, and the Board of Supervisors having no power to reject or change the same, then they shall be allowed and paid as now authorized by law, except warrants to be drawn on the General Fund for official salaries, which warrants shall only be drawn once every four months. Claims against county to be presented in writing. Proviso.

SEC. 5. No demand on the County Treasury, (except for official compensation of the person in whose name it is presented,) wherein any county officer shall be personally interested, or arising out of any contract wherein any county officer shall at any time while in office have been a party, or otherwise personally interested, shall be approved, allowed, or paid; but every such contract, claim, and demand is hereby declared to be null and void. No demand on the County Treasury shall be allowed by the Auditor in favor of any person in any manner indebted to the county or to the Treasury thereof without first deducting such indebtedness, nor in favor of any officer whose accounts shall not have been rendered and approved, or who shall have neglected or refused to make his official returns or reports in writing, as required by law, or in favor of any officer who shall knowingly and wilfully neglect to perform any of the duties of his office, after being thereunto admonished and re- Officers prohibited from being interested in claims.

quired in writing by order of the Board of Supervisors. The Auditor shall have power to examine, orally or otherwise, on oath, the person presenting any demand on the Treasury, or the Agent or Attorney of such person, or any other person, in order to ascertain any facts necessary or proper for him to know in order to determine his allowance or disallowance of such demand.

Registered claims to be numbered.

SEC. 6. The Auditor shall, upon the allowance and registration by him of any demand upon the Treasury, place a number upon it, (which number shall begin with the fiscal year, and run successively to the end of it,) and shall specify in his allowance, to be indorsed thereon, out of what Fund it is payable. He shall keep a record of his determination upon every demand submitted for his allowance, and shall register in a well bound book to be by him kept for that purpose, all demands on the Treasury by him allowed, showing the number, date, amount, when allowed, out of what Fund payable, in whose name presented, the subject matter of the claim substantially stated, and if previously approved by the Board of Supervisors, the date of the order of approval. No demand shall be deemed audited, within the meaning of this Act, until it shall have been approved, allowed, and registered by the Auditor, as herein required, nor unless the fact of such approval, (when requisite,) allowance, and registration, shall appear by the proper indorsements upon such demand.

Illegal claims.

SEC. 7. Every officer (including each Supervisor) who shall draw any unauthorized warrant, or approve, allow, or pay any illegal or unauthorized warrant, claim, or demand upon the County Treasury, or pay out or disburse any School or other county funds or moneys contrary to or without the authority of law, shall be liable to the county for the amount thus directly paid, or paid out, or disbursed, on such warrant, claim, or demand, and the same may be recovered by action against the persons so liable therefor, jointly or severally, in the name of The County of Butte. It shall be the duty of the Board of Supervisors, and each member thereof, as well as of the District Attorney, to see that suit is brought in the proper cases for the enforcement of the provisions of this section, and in case of neglect on the part of said officers, said suit shall be brought and prosecuted whenever so directed by an order in writing, signed by any ten out of thirty tax payers of said county standing highest on the assessment roll thereof then last completed and equalized in respect to the assessed value of their property, real and personal. The vote of each Supervisor on every question, order, or matter acted upon by the Board of Supervisors, except adjournments, shall be recorded in the minutes of the Board.

Registered claims, how paid.

SEC. 8. Every lawful demand, duly audited as in this Act provided, shall be paid by the Treasurer upon presentation of the warrant of the Auditor, properly drawn and upon the proper Fund for the same, if there be sufficient moneys in the Fund at the time legally applicable to that purpose, and if not, then such warrant shall be registered by the Treasurer, in a book to be kept by him for that purpose, with its number, amount, in whose name presented, out of what Fund payable, with the date of

registration. All warrants thus registered shall be paid out of moneys afterwards coming into the Treasury applicable thereto in the order of their registration—that is to say, out of any moneys in the proper Fund. Every warrant paid by the Treasurer shall, at the time of payment, be by him cancelled and filed, and preserved in his office; and all such cancelled warrants shall, at the end of each fiscal year, be handed over to the Auditor, who, after examining each one separately, and finding them correct, shall cause them to be cancelled, (if they are not,) and shall file and preserve them in his office; and it is hereby further provided and declared that no warrant drawn on the County Treasury of Butte County from and after the first day of May, eighteen hundred and sixty-four, shall bear or draw any interest whatsoever.

Salaries of officers.

SEC. 9. The following shall be the annual compensation of the officers of the County of Butte, from and after the expiration of the terms of the present officers:

County Judge, twenty-four hundred dollars.
County Clerk, three thousand dollars.
District Attorney, sixteen hundred dollars.
County Treasurer, twenty-four hundred dollars.
County Recorder, twenty-two hundred dollars.
County Assessor, fifteen hundred dollars.

SEC. 10. On the first Monday of January of each year the Auditor shall make a full and detailed report of the financial affairs of the county, including in it a minute statement of the receipts and expenditures for the year last past. The Treasurer shall also make quarterly statements to the Board of Supervisors of his receipts and payments, with such particularity and details as may be required by order of the Board.

Claims accruing prior to May, 1864

SEC. 11. From and after the first day of May, one thousand eight hundred and sixty-four, it shall not be lawful for the Treasurer of Butte County to pay any warrant or claims of any kind whatsoever against the county that has accrued prior to said first day of May, eighteen hundred and sixty-four, except in the manner hereinafter provided.

Supervisors to levy tax.

SEC. 12. The Board of Supervisors for the County of Butte shall have power and it is hereby made their duty from and after the first day of January, one thousand eight hundred and sixty-five, to levy a special tax annually, in addition to other taxes provided for by law, of not more than forty cents on each one hundred dollars of all taxable property in said county, and said tax shall be levied, assessed, and collected at the same time and in the same manner as other taxes are levied, assessed, and collected in said county.

Redemption Fund.

SEC. 13. The tax provided for in the preceding section shall be set aside and kept as a Special Fund, to be called "Redemption Fund," and shall be held and disbursed as hereinafter provided. Whenever at any time there shall be in the Redemption Fund created by this Act a sum of money amounting to five hundred dollars or upwards, it shall be the duty of the County Treasurer to give fifteen days notice, by publication in some newspaper published at the county seat, that sealed proposals, directed to him, will be received for the surrender of county warrants issued prior to the first day of May, eighteen hundred

Proposals for surrender of bonds.

and sixty-four, or claims that accrued prior to that time, and that said proposals will be received by him up to the next regular meeting of the Board of Supervisors thereafter.

Opening of proposals.

SEC. 14. On the first day of such regular meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals, and accept the lowest bids for the surrender of county warrants or claims of the character specified in the preceding section; *provided*, that no bid for more than par value shall be accepted, nor any bid, unless accompanied by the warrants or claims proposed to be surrendered.

Accepted bids, payment of.

SEC. 15. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and amount of warrants or claims to be redeemed, specifying the amount to be paid for each warrant or claim, and make a record thereof in their respective offices, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants or claims designated in the accepted bids and pay the same out of the Redemption Fund, and the warrants or claims so redeemed shall be cancelled as other redeemed county warrants, except that the County Treasurer shall write on the face of said warrants or claims, "Purchased," and the amount paid for the same, and shall sign his name thereto. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants or claims, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, preference shall be given to the smallest amount. The bids and amount of warrants being equal, taking into consideration the principal and interest, each shall be accepted pro rata, or as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners on demand. The County Treasurer shall keep a separate account, under the heading of "Redemption Fund," of all moneys received into said Fund, and of all moneys paid out of said Fund, and to whom paid.

Transfer of moneys.

SEC. 16. The Board of Supervisors of the County of Butte shall cause to be transferred, and shall have power to order a transfer of all moneys coming into the County Treasury from taxation or other sources during the year eighteen hundred and sixty-four, and not required to pay necessary expenses of the county during that year, from and after the first day of May, to the Redemption Fund, which shall be disposed of as other moneys coming into said Fund.

Tax levy limited.

SEC. 17. The Board of Supervisors shall not hereafter cause to be levied, assessed, and collected, any greater tax for county purposes than will, in their judgment, afford sufficient money to pay the annual expenses of the county government, except interest taxes, and such others as are necessary.

Penalty for neglect of duty of officers.

SEC. 18. Any county officer or officers of the County of Butte wilfully neglecting or refusing to comply with the requisitions or provisions of this Act, shall be deemed guilty of a misdemeanor in office, and upon conviction shall be fined in any sum not exceeding one thousand dollars, to be recoverable before

any Court of competent jurisdiction, or dismissal from office, or both such fine and dismissal, in the discretion of the Court, and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

SEC. 19. All fines and penalties collected under the provisions of this Act shall be paid into the General Fund of the county for county purposes.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXIX.—*An Act to authorize the City Council of the City of Oakland to improve the Streets, Lanes, Alleys, Courts, and Places in the said City.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

City Council have power to lay out new streets.

SECTION 1. The City Council of the City of Oakland shall have power, upon the payment of just compensation, to lay out and open new streets, lanes, alleys, courts, and places within the corporate limits of said city, but shall have no power to subject the city to any expenses therefor, except for the necessary expense of surveying and mapping out the same, and when said streets are so laid out and opened the provisions of this Act shall be applicable thereto.

To grade and improve streets, etc.

SEC. 2. The City Council are hereby authorized and empowered to order the whole or any portion of the said streets, lanes, alleys, places, or courts of said city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized, piled or repiled, capped or recapped, or to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks, to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved.

Notice to be given of intention to improve streets, etc.

SEC. 3. The City Council may order any work authorized by section two of this Act to be done, after notice of their intention so to do, in the form of a resolution, describing the work, and signed by the Clerk of said Council, has been published for a period of ten days. At the expiration of any notice of intention as hereinbefore provided, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done, or to be afterwards improved, which is authorized by section two of this Act; and all owners of lands, or lots, or portions of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Council in relation to the work mentioned in such notices of intention, shall file with the said Clerk a petition or remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed on by the said City Council, and their decision therein shall be final and conclusive. The owners of more than

Remedy of persons aggrieved.

one half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said resolution, (excepting work proposed to be done on Broadway street in said city,) may make written objections to said proposed work within ten days from the first publication of said resolution. Said objections shall be delivered to the Clerk of the said City Council, who shall indorse thereon the date of their reception by him; and such objections so indorsed shall be a bar to any further proceedings in relation to said work for a period of six months, unless the owners as aforesaid shall sooner petition for the same to be done; *provided*, that one half or more in width or in length of any street, lying and being between two main street crossings, have been already improved as aforesaid, said City Council may order the remainder improved, notwithstanding the objections of property owners fronting thereon. Before passing any ordinance for the construction of said improvements, plans, specifications, and careful estimates shall be furnished the said City Council by the City Marshal of said City of Oakland if required by them.

Owners of property may petition for improvements.

SEC. 4. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court mentioned in section one of this Act, or their duly authorized Agents, may petition the said City Council to order any of the work mentioned in section two of this Act to be done, and the said City Council may order the work mentioned in said petition to be done after notice of their intention so to do has been published as provided in section three of this Act. No order or permission shall be given to grade, pave, plank, or macadamize any street, lane, alley, place, or court in the first instance, or any portion thereof, without extending or completing the same throughout the whole width of such street, lane, alley, or court.

Contracts for work, how made.

SEC. 5. Before giving out any contracts by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be conspicuously posted on or near the Council Room door of said Council, and also published for five days in some daily paper to be designated by said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of said City Council, and said Council shall, in open session, open, examine, and publicly declare the same, and award said work to the lowest responsible bidder; *provided*, said Council may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city. All proposals shall be accompanied with a bond, in the sum of two hundred dollars, signed by the bidder and by two sureties, who shall justify in the manner hereinafter provided, conditioned to pay to the said City of Oakland the full sum of two hundred dollars, as liquidated damages, if the builder to whom the contract is awarded shall fail or neglect to enter into a contract as hereinafter provided. It shall be the duty of the City Attorney to sue on said bonds in the name of said city, and to pay the amount recovered over to the Treasurer of said city. The City Council shall have power to relieve the contractor from the performance of the conditions of said bond, when good cause is

shown therefor. All persons (owners included) who shall fail to enter into contracts as herein provided, are hereby prohibited from bidding a second time for the same work. Notice of such awards shall be published for five days, in the same manner as hereinbefore provided for publication of proposals for such work. The owners of the major part of the frontage of lots and lands liable to be assessed for said work shall not be required to present sealed proposals, but may, within said five days after the first publication of notice of such award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same may have been awarded. Should the said owners fail to commence the work within ten days after the first publication of the notice of said award, and prosecute the same with due diligence to completion, it shall be the duty of the City Marshal to enter into a contract with the original builder to whom the contract was awarded, and at the price the same may have been awarded him; but if such bidder neglect for fifteen days after the first publication of the notice of said award to enter into the contract, then the City Council shall again publish for said five days, and pursue the steps required by this section, the same as in the first instance. If the owners who may have taken said contract do not complete the same within the time limited in the contract, or within such further time as the said City Council may give them, the said Marshal shall report such delinquency to the City Council, who may re-let the unfinished portion of said work, after having pursued the formalities of this section as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond, to the satisfaction of the Mayor of said city, with two or more sureties, payable to the City of Oakland, in such sums as the said Mayor shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages by reason of the breach of said contract, may sue on such bond in his own name. It shall be the duty of the Mayor to collect from the contractors, before the contract is signed by him, the cost of publication of the notices required under the proceedings prescribed in this Act.

Duty of Marshal

SEC. 6. The Marshal of said city is hereby authorized in his official capacity to make all written contracts and receive all bonds authorized by this Act, and to do any other act, either expressed or implied, that pertains to the Street Department under this Act, and said Marshal shall fix the time for the commencement of the work under all contracts entered into by him, which work shall be prosecuted with due diligence from day to day thereafter to completion, and may extend the time so fixed from time to time under the direction of the City Council. The work provided for in section two of this Act must in all cases be done under the direction and to the satisfaction of the Marshal, and the materials used shall be such as are required by said Marshal, and all contracts made therefor must contain this condition and also express notice, that in no case, except where it is otherwise provided in this Act, will the city be liable for any

portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work in the mode herein provided shall be made by the said Marshal.

Assessments for expenses how made.

SEC. 7. (*Subdivision One.*) The expenses incurred for any work authorized by section two of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expenses of the work.

(*Subdivision Two.*) The expenses of all improvements, except such as are done by contractors under the provisions of section thirteen of this Act, until the street crossings, lanes, alleys, places, or courts, are finally accepted as provided in section twenty of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; (and after such acceptance, the expense of all work thereafter done thereon shall be paid by said city out of the Street Department Fund.)

(*Subdivision Three.*) The expense of work done on main street crossings shall be assessed upon the four quarter blocks adjoining and cornering upon the crossing; and each lot or part of a lot in such quarter blocks fronting on such main streets shall be separately assessed according to its proportion of frontage on the said main streets.

(*Subdivision Four.*) Where a main street terminates in another main street, the expense of work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street opposite such termination.

(*Subdivision Five.*) Where any small or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of such small or subdivision street, if it does not meet another.

(*Subdivision Six.*) The expense of work done on small or subdivision street crossings shall be assessed upon the lots fronting upon such small streets, on each side thereof, in all directions, half way to the next street, place, or court, on either side, respectively, or to the end of such street, if it does not meet another.

(*Subdivision Seven.*) Where a small street, lane, alley, place, or court, terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, alley, place, or court, opposite the termination, shall be assessed upon the lot or lots fronting on such small street, or lane, alley, court, or place, so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does not meet another;

and the other one half of the width upon the lots fronting such termination.

(*Subdivision Eight.*) The expenses of all the aforesaid improvements on Overflowed Lands belonging to the city shall be defrayed by the city, but no contract for work shall be given out except to the lowest responsible bidder, after an observance of all the formalities required by this Act. City to pay for improvements on its own property.

(*Subdivision Nine.*) Where any work mentioned in section two of this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbings, grading, curbing, piling, and capping, excepted) is done on one side of the centre line of said streets, lanes, alleys, places, or courts, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this section. When work is done on one side of a street only.

(*Subdivision Ten.*) Section one of Chapter Three Hundred and Twenty-Five of the laws of this State, entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property therein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section. Property named in a former Act subject to provisions of this.

SEC. 8. After the contractor of any street work has fulfilled his contract to the satisfaction of the Marshal of the said city, or City Council on appeal, the Marshal shall make an assessment to cover the sum due for the work performed and specified in said contracts, (including incidental expenses, if any,) in conformity with the provisions of the preceding section, according to the character of the work done, or if any directions and decision shall be given by said Council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the incidental expenses, if any, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot or portion of a lot, (if known to the Marshal,) if unknown, the word "Unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion of a lot assessed, and shall have attached thereto a diagram, exhibiting each street or street crossing, lane, alley, place, or court on which any work has been done, and showing the relative location of each distinct lot or portion of a lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting assessed for said work contracted for and performed. City Marshal to make assessment.

SEC. 9. To said assessment shall be attached a warrant, which shall be signed by the Marshal, and countersigned by the Mayor of said city, who, before countersigning it, shall examine the contract, the steps taken previous thereto, and the record of the assessments, and must be satisfied that the proceedings Warrant to be attached to the assessment.

have been fair and legal. The said warrant shall be substantially in the following form:

FORM OF THE WARRANT.

"By virtue hereof, I, (name of Marshal,) Marshal of the City of Oakland, County of Alameda, and State of California, by virtue of the authority vested in me as said Marshal, do authorize and empower (name of contractor) (his or their) Agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

"OAKLAND, (date,) 186—.

"(Name of Marshal,)

"Marshal of City of Oakland.

"Countersigned by (name of), Mayor."

Assessments to be a lien upon the property.

Said warrant, assessment, and diagram shall be recorded in the office of said Marshal. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, and diagram, all persons mentioned in section eleven of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram are recorded, the same shall be delivered to the contractor, or his Agent or assigns, on demand, but not until after the payment to the said Marshal of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant, said contractor, or his Agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Contractors to collect.

SEC. 10. The contractor, or his Agent or assigns, shall call upon the persons so assessed, or their Agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor or his Agent shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt, if demanded. Whenever the persons so assessed or their Agents cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" in the assessment, then the said contractor, or his Agent or assigns, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Marshal within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his Agent or assigns, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof, whereupon the Marshal shall record the return so made in the margin of the record of the warrant and the assessment, and also the original contract referred to therein, if it has not been already recorded, at full length in a book to be kept for that purpose in his office, and shall sign the record

Parties aggrieved may appeal to the Council.

SEC. 11. The owner, contractor, his Agent or assigns, and all persons, whether named in the assessment or not, and all persons directly interested in any work provided for in this Act or in the said assessment, feeling aggrieved by any of the acts or determinations aforesaid of the said Marshal in relation thereto, or having or making any objection to the correctness or legality of the assessments, shall within thirty-five days after the date of the warrant appeal to the City Council as provided in this section, by briefly stating his or her objections in writing, and filing the same with [the] Clerk of the said Council. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts or determination objected or complained of, shall be published for five days in some paper to be designated by the City Council. The said Council may correct, alter, or modify said assessment in such manner as to them shall seem just, and may instruct and direct the Marshal to correct said warrant, assessment, or diagram, in any particular, or to make and issue a new warrant, assessment, or diagram, to conform to the decision of said Council in relation thereto, at their option. All the decisions and determinations of said Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section as to all errors and irregularities which said Council could have remedied and avoided. The said warrant, assessment, and diagram, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of said Marshal, and of the regularity of all the acts and proceedings of the City Council upon which said warrant, assessment, and diagram are based.

Contractors may bring suit.

SEC. 12. At any time after the period of thirty-five days from the day of the date of the warrant. as hereinbefore provided, or if an appeal is taken to the City Council, as is provided in section eleven of this Act, any time after five days from the decision of said Council, or after the return of the warrant and assessment, after the same may have been corrected, altered, or modified, as provided in section eleven of this Act, (but not less than thirty-five days from the date of the warrant,) the contractor or his assigns may sue in his own name the owner of the land, lots, or portions of lots assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid. Such suit may be brought in any Court in said city and county having jurisdiction of the amount to recover which suit is brought. Said Courts are hereby clothed with jurisdiction to hear and determine such actions. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness and of the right of the plaintiff to recover in the action. The District Court in which suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution as in other cases of sale of real estate by process of said Courts. If such suit be commenced in a Justice's

Court, the action may be brought and judgment rendered against the owner of the lands, lots, or portions of lots, mentioned in section seven of this Act, and also against the lands, lots, or portions of lots, as aforesaid; said lien shall be enforced by petition to the District Court. Such premises, if sold, may be redeemed as in other cases. In all suits brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. This Act shall be liberally construed to effect the ends of justice.

Further powers and duties of Marshal.

SEC. 13. The Marshal of said city may require, at his option, by notice in writing to be delivered to them personally, or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section two of this Act, in front of the property of which he is the owner, tenant, or occupant, to the centre of the street, or otherwise, as the case may require, specifying in said notice what improvement is required. After the expiration of three days, the said Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice. If such improvement be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Marshal may enter into a contract with any suitable person applying to make said improvements, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Marshal, and such owner, tenant, or occupant shall be liable to pay the same. After the certificate referred to in section fourteen shall have been recorded, the sum contracted to be paid shall be a lien, the same as provided in section nine of this Act, and may be enforced in the same manner.

Rights of contractor.

SEC. 14. If the expenses of the work and material for such improvements, after the completion thereof, be not paid to the contractor so employed, or his Agent or assignee, on demand, the said contractor or his assigns shall have the right to sue the owner, tenant, or occupant, under the provisions of this Act, for the amount contracted to be paid; and the certificate of the Marshal that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action.

Penalty for refusing to make improvements.

SEC. 15. In addition, and as cumulative to the remedies above given, the City Council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable or neglecting or refusing to make improvements when required, as provided in section thirteen of this Act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of The People of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Council, in payment of the expenses of any such improvements, when not otherwise provided for.

Owner of property defined.

SEC. 16. The person owning the fee, or the person in possession of lands, lots, or portions of lots, or buildings under claim, or exercising acts of ownership over the same, shall be regarded, treated, and deemed to be the "owner," (for the purpose of this law,) according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner, and the person so defined to be the owner shall be personally liable for the payment of any charge or assessment lawfully made or assessed upon said lands, lots, or portions of lots, by said Marshal, or contracted to be paid to the contractor, for improvements to cover the expense of any work done under and authorized by the provisions of this Act.

Tenants may pay assessments and deduct from rent.

SEC. 17. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee under the provisions of this Act, or he may pay the price agreed on to be paid under the provision of section thirteen of this Act, either before or after suit brought, together with costs, to the contractor or his Agent or assigns, or he may redeem the property if sold on execution or decree, for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sum so paid beyond the rents due from him, he shall have a lien upon and may retain possession of the said lands and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents or by payment by the owner.

Records of Marshal.

SEC. 18. The records kept by the Marshal of said city in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Constables may serve notice at request of Marshal.

SEC. 19. Notices in writing which are required to be given by the Marshal under the provisions of this Act may be served by any Constable, with the permission of the Marshal, and the fact of such service shall be verified by the oath of the person making it, taken before the Marshal, (who, for that purpose, is hereby authorized to administer oaths,) Mayor, or any Judge or Justice of the Peace, or such notices, whether verbal or written, may be delivered by the Marshal himself. The Marshal shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service, when delivered by any other person.

Streets accepted by Council.

SEC. 20. When any street or portion of a street has been or shall hereafter be constructed to the satisfaction of the City Council and Marshal of said city, under such regulations as said Council shall adopt, the same shall be accepted by said Council, and thereafter shall be kept open and improved by the said city, and the expense thereof to be paid out of the Street Department Fund; *provided*, that the City Council shall not accept of any portion of a street less than the full width thereof and one block in length, or one entire crossing. The Marshal shall keep in his

office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Office of Marshal.

SEC. 21. The said Marshal shall keep a public office in some convenient place to be designated by the City Council, and such records as may be required by the provisions of this Act. He shall superintend and direct the cleaning of all the sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund.

Further duties of Marshal.

SEC. 22. It shall be the duty of said Marshal to see that the laws, orders, and regulations, relating to the public streets and highways be fully carried into execution, and that the penalties therefor are rigidly enforced. It is required that he shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and ground of the said city, as may be prescribed by the City Council; and should said Marshal fail to see the laws, orders, and regulations relative to the public streets and highways carried into execution, after notice from any citizen of a violation thereof, the said Marshal and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

City not liable for damages to persons injured when streets are out of repair.

SEC. 23. If in consequence of any graded street or public highway improved under the provisions of this Act being out of repair, and in a condition to endanger persons, or horses, or other animals passing therein, any person while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person, or if any horses, animals, or other property, being lawfully ridden, driven, or conveyed through such street or public highway, be injured, lost, or destroyed, through any such defect therein, no recourse for damages thus suffered shall be had against the said City of Oakland; but if such defect in the street or public highway have existed for the period of twenty-four hours or more after notice to the said Marshal, then the person or persons on whom the law may have imposed the obligation to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remained unrepaired, shall be jointly and severally liable to the party injured for the damage sustained.

SEC. 24. The City Engineer shall be:

Duties of City Engineer.

First—The proper officer to do the surveying and other work necessary to be done under sections one and two of this Act, and to survey, measure, and estimate the work done under contracts for grading streets, and every certificate of work done by him, signed in his official character, shall be prima facie evidence in all the Courts of this State of the truth of its contents; he shall also keep a record of all surveys made under the provision of section one of this Act, as in other cases. The Marshal shall measure and determine any other work which may be done under the provisions of this Act.

Words defined.

Second—The words "improve," "improved," and "improvements," as used in this Act, shall include all necessary repairs of all work mentioned in section three of this Act, and also the reconstruction of all or any portion of said work.

Third—The term "main street," as used in this Act, means such street or streets as bound a block; the term "street" shall include crossings. Words defined.

Fourth—The word "block" shall mean the blocks which are known and designated as such on the map and books of the Assessor of said city.

Fifth—The term "incidental expense" shall mean the expense for work done by the City Engineer under the provisions of this Act; also, the expense of printing, advertising, and measuring the work done under contracts for grading, and the expense of superintendence of sewers, and of piling and capping.

Sixth—The publication of notices required by the provisions of this Act shall be published daily, (Sundays excepted,) in a newspaper to be designated by the City Council of said city.

SEC. 25. The Marshal shall appoint a person or persons suitable to take charge of and superintend the construction and improvement of each and every sewer, and of piling and capping, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect; and in case of any departure therefrom, to report the same to the Marshal. He shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be "incidental expenses," within the meaning of these words as defined in this Act; *provided*, that the owners of more than one half in frontage of the lots and lands fronting on the work proposed to be done under this section may, within forty-eight hours after the work has been commenced, appoint their own Superintendent of the work, and provide for his compensation by private agreement. Superintendent of the construction of sewers.

SEC. 26. After a street shall have been paved, planked, or macadamized by authority of this Act, the City Council shall have power to levy a tax from time to time, as occasion may require, upon the property fronting upon said street, sufficient to keep the same in repair. Said tax shall be levied and collected at the time and in the manner prescribed for the levy and collection of city taxes, and the amount thus collected shall be set apart as a Street Department Fund, and appropriated to the repair of said streets, and shall not be used for any other purpose. Council may levy tax to repair streets.

SEC. 27. The City Council of said city shall have power to issue and collect an annual tax license on draymen, cabmen, omnibus proprietors, expressmen, and other common carriers doing business in the City of Oakland, the proceeds of said licenses to be devoted to a Street Department Fund for keeping in repair the streets in said city. Said annual license not to be more than twelve dollars nor be less than eight dollars for such persons so licensed. Licenses of draymen, etc.

SEC. 28. The City Council of the City of Oakland shall have full power and authority to grade or regrade, pave or repave, plank or replank, macadamize, pile or repile, cap or recap, or otherwise improve Broadway street in such manner and upon such terms as they may deem proper. To authorize such improvements of said street it shall not be necessary that any petition or petitions shall be presented to said Council, nor shall Broadway street.

such improvements be stayed or prevented by any written or other remonstrance or objection, unless such Council deem proper.

SEC. 29. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXX.—*An Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for Military and other purposes, and other matters relating thereto.*

[Approved April 4, 1864.]

Preamble

WHEREAS, War now exists and is in immediate and vigorous prosecution between the Government of the United States and certain States which have revolted against its authority; and,

WHEREAS, The Congress of the United States has, for military and other purposes, granted aid for the construction of the Central Pacific Railroad, which aid is insufficient to complete the work as speedily as is necessary; and

WHEREAS, It is important, in view of the present state of war and the further [future] danger thereof, that the said railroad be constructed as soon as possible to repel invasion, suppress insurrection, and defend the State against its enemies; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Company authorized to issue bonds.

SECTION 1. The Central Pacific Railroad Company of California, a corporation duly organized under the laws of this State, for the construction of a railroad from the City of Sacramento to the Eastern boundary line of this State, and one of the railroad companies to which said congressional aid has been extended, is hereby authorized and empowered to execute and issue at any time hereafter the bonds of said company in sums

Interest.

of one thousand dollars each, bearing interest at a rate not exceeding seven per cent per annum, commencing on the first day of July, eighteen hundred and sixty-four, and payable on the first day of January, eighteen hundred and sixty-five, and on the first days of July and January of each year thereafter; the interest on the first fifteen hundred of said bonds, numbering from one to fifteen hundred, inclusive, to be made payable at the

Where payable.

State Treasury, and on the remainder of said bonds to be made payable at such place or places and in such manner as said company may deem proper; said bonds to be executed and

Amount of bonds, when payable.

issued to an amount not exceeding twelve millions of dollars, payable not exceeding twenty years from the first day of January, A. D. eighteen hundred and sixty-five, and said bonds to be

Security.

secured by one or more mortgages on the railroad, rolling stock, buildings, machinery, fixtures, and corporate franchises of said company. The principal and interest of said bonds to be pay-

able in United States gold coin; *provided*, that said bonds shall contain an express condition that the Counties of Placer, Sacramento, and the City and County of San Francisco, shall be exempt from all liability as stockholders for the payment of the principal or interest upon all of said bonds over and above the stock of said counties heretofore subscribed to the capital stock of said company. Proviso.

SEC. 2. To expedite the construction of said railroad for the reasons set forth in the preamble to this Act, there shall be levied and collected in the year eighteen hundred and sixty-four, and annually thereafter, until the expiration of the time for the payment of said bonds, in the same manner as other State revenue is or may be collected, a tax of eight cents on each one hundred dollars of the taxable property in the State, in addition to other taxes, the same to be paid in the gold and silver coin of the United States, and the moneys to be derived from such tax shall be and is hereby appropriated and set aside to constitute a separate Fund, to be known as the "Pacific Railroad Fund," out of which Fund the coupons for interest on said fifteen hundred bonds hereinbefore described shall be paid as they may fall due and be presented for payment from time to time for said period of twenty years, and on payment thereof said coupons shall be taken up and cancelled by the State Treasurer; and if at any time there should not be a sufficient sum of money in said Fund to pay said interest when due, then an amount sufficient to make up such deficiency shall be taken from the General Fund for that purpose, or the State Treasurer shall make such other contracts and arrangements as may be necessary to make up such deficiency; and whenever on the first day of July of any year there shall remain a surplus in said Fund after the payment of the interest on said bonds as hereinbefore provided, such surplus shall be paid into the General Fund. Tax levied to pay interest on bonds.

SEC. 3. A full and particular account and record shall be kept by the State Treasurer of the condition of said Pacific Railroad Fund, and the moneys collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and of any committee appointed by the Legislature or either branch thereof. State Treasurer shall keep record of money collected.

SEC. 4. The said grant to said company is made upon the express condition and consideration that said company shall and do at all times when required from and after the passage of this Act, transport and convey over their said railroad all public messengers, convicts going to the State Prison, lunatics going to the State Insane Asylum, materials for the construction of the State Capitol Building, articles intended for public exhibition at the Fairs of the State Agricultural Society, and in case of war, invasion, or insurrection, as well as at all other times, also transport and convey over their said railroad all troops and munitions of war belonging to the State of California, free of charge, and without any other compensation than as herein provided, and shall also construct and equip, in running order, at the rate of not less than twenty consecutive miles of their Conditions of the grant.

said railroad each year hereafter, including that portion of said railroad now partially completed, until the same is fully completed and equipped, and shall also, within ninety days from the passage of this Act file in the office of the Secretary of State a contract or agreement, duly signed by the President and Secretary of said company, and sealed with the corporate seal thereof, therein and thereby agreeing to faithfully do and perform and fully comply on the part of said company with all the terms and conditions set forth in this section, and therein also releasing all claim to the warrants provided to be issued by the Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, upon the filing of which agreement and release the said Act shall be repealed; and also agreeing therein that said company shall, within ninety days after the receipt of a patent therefor from the United States, execute, acknowledge, and deliver to the State of California a deed in fee simple for the conveyance of the south half of Section Nineteen, in Township Eleven north, of Range Seven east, Mount Diablo meridian, situated in Placer County, on said railroad, and about twenty-two miles from Sacramento, with all the granite and granite quarries thereon, excepting and reserving therefrom, however, a tract or strip of land four hundred feet wide, and running across said half section, each one half thereof lying on each side of the line running along the centre of the main railroad track of said company. And in case said company shall fail and refuse to do and perform the said conditions and the said agreement on their part, the said company shall be liable to repay to the State the amount which shall have been paid by the State under this Act.

Appropriation.

SEC. 5. The several sums of money necessary for the payment required to be made under the provisions of this Act are hereby appropriated from the said Funds and from the State Treasury for said several purposes, and the State Treasurer is hereby directed to pay the same as provided by this Act; and this Act, and the appropriations under the same, shall not be subject to the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Act repealed.

SEC. 6. The Act entitled an Act to aid the construction of the Central Pacific Railroad in the State of California, and other matters relating thereto, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXI.—*An Act to amend the Act entitled an Act concerning Official Fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the Act entitled an Act concerning official fees in the County of Tehama, approved April twenty-seventh, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Section 1. Such annual salaries are allowed, as in this section provided, to the officers in this section named, in the County of Tehama, for all services rendered in the discharge of the duties now or that may hereafter be imposed on them by law, and such salaries shall be in full for all services rendered by them, respectively, chargeable to said county, to wit: Salaries.

County Clerk, including all services, ex officio and otherwise, as Clerk of the District Court, County Court, Probate Court, Boards of Supervisors, Canvassers, and Equalization, Auditor, Recorder, and in all other capacities, one thousand five hundred dollars. County Clerk.

Sheriff, one thousand dollars, including all services for the county as such officer; and one thousand dollars as Jailor. Sheriff.

District Attorney, twelve hundred dollars; and also, ten per cent, as now provided by law, on forfeited recognizances. District Attorney.

This section shall not apply to civil suits, except so far as the county may be chargeable with any costs or expenses, nor criminal actions wherein all costs and expenses have been actually collected from the plaintiff or defendant.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXII.—*An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to determine, by order, to lay out, open, extend, widen, or straighten, any street, alley, square, park, road, or highway, in said city and county, and that it will be necessary to take private lands for that purpose, and for that purpose they shall enter in their minutes a resolution or ordinance declaring such determination, containing a description of the lands so deemed necessary, and also of that part or portion Powers of the Board of Supervisors in relation to opening and improving streets, etc., taking of private lands for such purposes.

Property benefited shall be assessed for its payment

of said city and county, and those railroad companies and corporations, if any, which they adjudge will be benefited by said improvement, and which ought to bear the expense thereof; such descriptions to be made with like certainty as is required by law in complaints in actions of ejectment, to refer to all such lands by the adjoining streets, and the numbers of thé lots of which they are composed or form a part as the same are or shall be laid down upon the official map of said city and county, if the same are so laid down on said map, or if not so laid down, to refer to the sections, half sections, quarter sections, or fractional sections of which the same are composed or form a part, as the same are laid down on the official map of the United States. The said Board of Supervisors shall thereupon make an order directing some officer or officers of said city and county, to be designated in said order, to ascertain and report to them an estimate of the whole expense of the said improvements. Upon such report being made, the said Board of Supervisors shall pass an order requiring all persons interested in the subject matter of the said improvement to attend the said Board of Supervisors at a time fixed by the said Board of Supervisors, and to be specified in said order for that purpose. The said Board of Supervisors shall cause all such orders, resolutions, ordinances, and reports, to be published together, daily, for one week, in two daily newspapers published in the said City and County of San Francisco. After the completion of such publication, and upon proof thereof, and at the time appointed therefor as aforesaid, the said Board of Supervisors shall proceed to hear the allegations of the owners and occupants of the houses, lots, and lands, situated within the portion or part of the said city and county so described as aforesaid, and after hearing the same, shall make such further order in respect to such improvement as they shall deem proper.

Further proceedings when improvements are determined on.

SEC. 2. If the said Board of Supervisors shall determine to proceed with such contemplated improvement, they shall thereupon pass and enter in their minutes a final ordinance or resolution, declaring such determination, containing a description of the land deemed necessary to be taken therefor, and also of that portion of the said city and county and those railroad corporations and companies, if any, which will be benefited by said improvement, and upon which the expense thereof is to be assessed, which description shall contain the certainty and particularity required in that behalf in the next preceding section of this Act.

Proceedings in cases where the whole city is benefited

SEC. 3. The said Board of Supervisors may purchase the whole or any part of the land so finally declared to be necessary for such public improvement, of the owner or owners, and make such compensation therefor as the said Board may deem reasonable, and shall thereupon receive from such owner or owners a conveyance of said land to said city and county. In case all the land so declared necessary for such public improvement shall be so purchased and conveyed to said city and county, and the expense of such improvement shall have been declared in manner aforesaid to be a benefit to and the expense thereof to be assessed upon the whole of said city and county, the said Board of Supervisors shall cause the expenses of the

said contemplated public improvement to be assessed upon the whole of the taxable property of said city and county, and to be included in and form a part of the next general assessment roll of said city and county, being stated in a separate column thereof, and with the like effect in all respects as if the same formed a part of the State and county taxes; and when the same shall have been collected the said Board of Supervisors shall cause the said contemplated public improvement to be forthwith made and completed.

Map of contemplated improvements to be made.

SEC. 4. The said Board of Supervisors shall cause a map of said contemplated public improvement to be made, designating on such map the lots, tracts, and parcels of land which shall have been declared necessary to be taken for the same as aforesaid, and showing the commencement, boundaries, and determination of such contemplated improvement, and also the part and portion of said city and county, the corporations and companies as aforesaid, declared to be benefited by the same, and to be assessed therefor, with the like certainty as required by the first section of this Act, which map shall be filed in the office of the Clerk of said Board of Supervisors.

Proceedings in cases where only a part of the city is benefited.

SEC. 5. In case a part or portion of said city and county and not the whole of said city and county shall [have] been declared to be benefited by such contemplated improvement, and to be assessed for the expense thereof, as hereinbefore provided, the said Board of Supervisors shall cause to be published daily for one week in the official newspaper of said Board in said city and county, a notice specifying and describing the land so declared necessary for such public improvement, and the portion of the said city and county, corporations, and companies so declared to be benefited by the making thereof, and to be assessed for the expenses thereof, and that the damages and recompense to which the owner or owners of such land may be entitled for the same, will be inquired into and determined, and that such damages and recompense, together with the costs and charges of the proceedings for the purpose of acquiring title to such lands and making appointment [apportionment] thereof, will be apportioned and assessed upon the owners and occupants of houses, lots, and other real estate, corporations, and companies, to be benefited thereby, by Commissioners to be appointed by the County Court of the County of San Francisco in the exercise of its civil jurisdiction, at a day in some term thereof to be specified in such notice, not more than ten nor less than three weeks from the first publication thereof. The said Board of Supervisors shall cause a copy of such notice to be served upon each of the aforesaid corporations and companies, and each of the owners of the respective parcels of land to be taken for such improvement, and of the lands and tenements within the territory declared to be benefited by such improvement, who are residents of said city, so far as the same can be ascertained, and upon each of the occupants of each of said parcels, if such there be, and upon the usual Agents and Attorneys who shall theretofore have had charge of such lands of such owners as may be non-residents of the said city and county, if such Agents or Attorneys may be found in said city and county; and in case any of such parcels of land are vacant, then by affixing a copy of

such notice in some conspicuous place thereon, at least ten days previous to the day specified in said notice for the appointment of such Commissioners by the said County Court. The service and posting of such notices may be proved by the affidavit of any male citizen of this State, of full age, and disinterested in the proceedings, taken and certified by any officer authorized to administer affidavits to be read in Courts of justice in this State, or by the certificate of the Sheriff of said city and county, as in proceedings in civil cases, and such affidavit and certificate in the respective case shall be received as evidence of the circumstances required by this section to be shown in regard to such service as alternative with personal service or as a substitute therefor.

Commissioners of appraisal and assessment.

SEC. 6. Upon the filing in the said County Court a copy of all the proceedings had by the said Board of Supervisors, as hereinbefore provided, certified by the Clerk of said Board, under the corporate seal of said city and county, and also, of all original affidavits showing publications of notices, and of all original affidavits and certificates showing service and posting of notices, and the original map, made as hereinbefore provided, in the said County Court, the said Court shall thereupon have and take jurisdiction of said proceeding as a special proceeding, and shall act therein and continue and determine the same after the manner of cases of equitable cognizance. At the day in such notice specified, or on any other day to which the same may be adjourned by the said Court, the said Court, after ascertaining to its own satisfaction that said notices have been duly served and published, or that sufficient reason for non-service thereof, personally, has been shown by affidavit or Sheriff's certificate, as hereinbefore provided, and upon hearing the Attorney and Counsel for the said city and county, and any parties interested who may appear for that purpose, shall appoint three discreet freeholders of said city and county, not interested in any of the lands and tenements described in the said notice, nor of kin to any owner or occupant thereof, Commissioners of Appraisal and Assessment. The said Court may at any time remove any or all of said Commissioners for cause, upon reasonable notice and hearing, and may fill any vacancies occurring among them for any causes.

Duties of.

SEC. 7. The said Commissioners shall be sworn faithfully to discharge their duties according to the provisions of this Act without favor or partiality; they shall proceed to view the lands and tenements mentioned and described in the notice, ordinances, resolutions, and map aforesaid, and may examine witnesses on oath, to be administered by any one of them, and shall keep minutes of the testimony so taken by them. In case of any controversy or doubt respecting any legal principle involved in their proceedings, or in any determination to be made by them, they shall apply to the said County Court for instructions, and shall enter upon their minutes the substance of any charge or instruction given them by the Court. They shall appraise the damages which the owner or owners, and if there be any occupants who are not owners, which such occupants of the lands and tenements to be taken for such public improvement will severally sustain by being deprived thereof, and shall apportion and

assess the whole amount of such damages, together with the costs and charges of the Board of Supervisors in the proceedings to be taxed and allowed by the said Court upon all the owners and occupants of lands and houses within the territory deemed by the resolution of the Board of Supervisors to be benefited by such improvement, as near as may be in proportion to the benefit which each shall be deemed to acquire by the making thereof; *provided*, that no damage shall be allowed for the injury, removal, or demolition of any building erected on any of said lands after the filing of said map; and, *provided*, further, that when any street or part of any street in the said city and county occupied or used by the track of any railroad company shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this Act, it shall be lawful for the Commissioners appointed as in this Act provided, and whose duty it may be to make a just and equitable assessment of the whole amount of costs, damages, and expenses of such altering or widening among the owners of all the lands and real estate intended to be benefited thereby, to assess such portions of such costs, damages, and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the said city and county, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefited thereby.

Report of.

SEC. 8. The said Commissioners shall make a report thereof under their hands, or the hands of a majority of them, to the said County Court, in which report they shall describe, with all practicable certainty, the several pieces and parcels of land taken for such improvement, and the names and residences of the owner or owners thereof, respectively, and the rights of such owners, so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which should be paid to each of the owners and occupants of the said several parcels of land or his or their recompense for being deprived thereof, or of his or their estate and interest therein, including any and all lands purchased by and conveyed to said city and county for the purposes of said improvement as hereinbefore provided, and the cost and expense thereof. They shall also in such report specify, in the form prescribed by law for assessment rolls in said City and County of San Francisco, the sums of money which each and every owner or occupant of houses and lands, corporation, or company, deemed to be benefited by such improvement, whether known or unknown, as aforesaid, should pay towards the expense of making the same, and the lands in respect to which he shall be deemed by them to be so benefited; and in case the land in respect to which any person shall be deemed benefited shall be the same of which any portion held by him under the same title shall be taken for such improvement, that fact shall be stated in their report; they shall also file a duplicate of such report in the office of the Clerk of said city and county.

County Court may confirm or set aside report.

SEC. 9. Upon the filing of such report, the said Court shall assign a day for hearing objections to the confirmation thereof, and on the day assigned, or on such other day or days to which the same shall be adjourned by said Court, shall hear the allegations of all persons interested, and may take proof in relation thereto, from time to time, and shall confirm the said report, or may set the same aside and refer the matter to the same or to new Commissioners, who shall thereupon proceed as hereinbefore provided.

Proceeding when the report is confirmed.

SEC. 10. Upon the confirmation of the report of Commissioners of Appraisal and Assessments, the said County Court shall enter an order that the City and County of San Francisco shall be entitled to take the lands and tenements specified in the report of such Commissioners as necessary for the making of such public improvement on paying the amount of damages assessed to the owners and occupants thereof in such report; and where any damages shall be awarded and any assessments for benefits of the improvements in respect to which such damages are awarded shall be made upon the same person or persons, or in respect to the ownership of any entire parcel of land a part of which shall be taken for such improvements, in that case the said City and County of San Francisco shall become vested with the title of such lands, (free from all incumbrances,) upon paying or depositing, according to law, the amount of the difference between the sums of money so awarded and assessed.

Compensation of Commissioners.

SEC. 11. The said Commissioners shall be entitled to compensation for their services under this Act, to be certified by the said County Court, and taxed by said Court as a part of the expenses of the proceedings.

Parties aggrieved may appeal by giving notice

SEC. 12. Any person conceiving himself aggrieved by any part of such report that shall have been confirmed by said County Court, may, within one month after such confirmation, give notice to the said Board of Supervisors and to the Clerk of said County Court of his intention to appeal to the Supreme Court to review the said report, or the proceedings of the said Commissioners, or of the said County Court, or of any or of all of them upon matters of law, and to correct the said report. Said notice shall specify the grounds of such appeal with sufficient certainty, and shall be accompanied by the undertaking or deposit provided for in section three hundred and forty-eight of the Act to regulate proceedings in Courts of justice in this State, commonly known as the Civil Practice Act. When the party appealing shall desire a statement to be annexed to the record, the same shall be prepared as in other appeals in civil cases with the like effect, and any portion of the testimony taken by the Commissioners or Judge, or of the minutes of the Commissioners pertinent to the appeal, may be inserted in such statement.

Proceedings suspended until appeal is heard.

SEC. 13. The giving of such notice and filing of such undertaking, or making such deposit, shall suspend all further proceedings of the Board of Supervisors in relation to the taking of the lands and tenements which shall be the subject of such notice, until a decision thereon as hereinafter provided. The Supreme Court shall proceed to hear such appeal, giving the same such procedure as may be consistent with the dispatch of

public business in the said Court, and may confirm, correct, modify, or set aside such report, in whole or in part; may direct the Commissioners to proceed and revise the same upon principles declared by the said Supreme Court; and in case a new report is made by the Commissioners under such direction, the same shall be subject to the same confirmation by the County Court, and to the like appeal, with the like effect, respectively, as hereinbefore provided.

Parties liable for costs when the appeal is not sustained.

SEC. 14. In case the said report so made and confirmed as aforesaid in the said County Court shall be confirmed in the Supreme Court, the obligors in the undertaking given to the said city and county as before provided shall be liable to pay all the taxable costs necessarily incurred on said appeal, and in case the said report shall be corrected or modified the Supreme Court shall determine under the circumstances of the case whether the appellant shall be entitled to his costs and expenses, and if the same be awarded to such appellant they shall be paid on taxation by the Board of Supervisors of said city as part of the contingent expenses of the proceeding.

Assessment roll to be made out.

SEC. 15. Whenever the amount of damages for taking any lands as aforesaid and assessment thereof shall be finally ascertained and fixed, either by confirmation of the County Court as aforesaid, and no notice and undertaking being given as hereinbefore prescribed, or by the confirmation, correction, or modification of the report of the Commissioners by the Supreme Court, the Mayor of the said city shall cause a transcript to be made, and in the form used for assessment rolls in said city, except that in such assessment roll to be made from such report as confirmed shall be set down in separate columns:

First—The names of all persons, corporations, and companies assessed, when known, and if not known, then that fact to be stated.

Second—The description of the land in respect to which they are assessed.

Third—The amount to which such persons shall respectively be assessed.

Fourth—The amount of damages, if any, to which such persons are respectively entitled by the award of the Commissioners.

Fifth—The amount of the excess, if any, to be collected; to which said transcript, when so made, the Mayor shall annex his warrant, and the same shall be thereupon collected in the manner then prescribed by law for the collection of general taxes in said city and county, and shall in like manner be a lien upon the respective tracts and parcels of land, corporations, and companies, as aforesaid.

Who assessed.

SEC. 16. The expenses of any public improvement herein authorized shall be defrayed by assessment on the owners and occupants of houses and lands, corporations, and companies, that may be benefited thereby.

Collection of assessments and payment of damages.

SEC. 17. Whenever the amount of any damages for taking any lands as aforesaid shall be finally ascertained and fixed, either by confirmation of the County Court as aforesaid, and no notice and undertaking being given within the time above pre-

scribed, or by the confirmation thereof by the Supreme Court, it shall be the duty of the said Board of Supervisors to cause the said damages and the other expenses of said improvement to be collected upon the said assessment roll as aforesaid, and when so collected they shall forthwith pay the amount of such damages to the owners and occupants of lands and tenements, or to persons having any liens thereon to whom the same shall have been allowed; and in case such owners be unknown non-residents of the said city, married women, infants, idiots, or lunatics, or the rights and interests of persons claiming the same shall, in the opinion of the Board of Supervisors, be doubtful, it shall be lawful for the said Board of Supervisors, in any such case to pay the amount of such damages into the office of the Clerk of the said County Court, accompanied by a statement of the facts and circumstances under which said payment is made, and describing the lands and tenements taken by the said City and County of San Francisco for which such damages have been awarded; but the City and County of San Francisco shall not be liable for any expense of such public improvement beyond the moneys actually collected for the same, except as hereinbefore provided.

SEC. 18. Until such damages shall be paid as aforesaid, it shall not be lawful for the said Board of Supervisors or any of their officers or Agents to take or enter upon any lands or tenements for the taking of which any such damages shall have been allowed.

Damages to unknown owners.

SEC. 19. Upon any such damages being paid into the said County Court, the said Court shall take order for the investment thereof and of the interest arising thereupon after the manner of Courts of Equity in regard to trust funds deposited therein, and shall cause the securities taken on such investments to be transferred, and the money on hand to be paid over to the persons entitled to such damages, their Guardians, or legal representatives, in the manner prescribed by law respecting moneys belonging to doubtful or unknown owners, and deposited in District Courts, and the same proceedings in all respects shall be had to ascertain the rights and interests of such persons.

Proceedings when title is defective.

SEC. 20. If any title attempted to be acquired by virtue of this Act shall be found to be defective from any cause, the said Board of Supervisors may again institute proceedings to acquire the same, as in this Act provided, or if proceedings have been had in the said County Court in regard to such public improvements as herein provided, may summon the owner, occupant, or claimant of such lands to appear, in the first instance, in such County Court and show cause why Commissioners should not be appointed and proceedings thereafter had from that point in and by said Court in relation to said lands as herein provided. Upon the return of such new proceedings so had by the Board of Supervisors as hereinbefore provided, or upon the return of a summons duly served in the respective case, the said County Court shall have and take jurisdiction of the proceedings, and such proceedings shall be thereafter had in the same by said Court from that point as hereinbefore provided, and with the like effect. At any stage of such new proceedings, or of any proceedings under this Act, the said County Court, or the Judge thereof

at Chambers, may, by an order made in that behalf, authorize the said city and county, if already in possession of any of such lands, to continue in such possession and the use thereof for the purposes of such improvements; *provided*, said city and county shall pay a sufficient sum into Court, or give security, to be approved by said County Court or Judge, to pay the compensation in that behalf when ascertained.

Act construed.

SEC. 21. This Act shall not be construed to repeal an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, passed April twenty-fifth, eighteen hundred and sixty-three, but the provisions of that Act shall be held not to apply to the proceedings provided for in this Act. This Act shall be deemed a public Act, and shall be liberally construed, and the said Board of Supervisors and the said County Court shall have all powers necessary to carry the same into execution. All presumptions attaching to the proceedings of Courts of general jurisdiction shall apply to the proceedings had in the said County Court under the provisions of this Act; *provided*, it shall appear that its jurisdiction originally attached in the same, and such jurisdiction shall be deemed to attach upon the filing in the said County Court of the proceedings, map, affidavits, and certificates mentioned in the sixth section of this Act, notwithstanding any defect of form or of substance not appearing on the face of the proceeding or papers. This Act shall take effect immediately.

CHAP. CCCXXIII.—*An Act to authorize Rodman Gibbons, his associates and assigns, to construct a Wharf at Point San Quentin, in San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. Rodman Gibbons, his associates and assigns, are hereby authorized to construct and maintain a wharf at Point San Quentin, on the Bay of San Francisco, in front of the land which is used as a powder magazine, and extend the same to a depth of eight feet of water at low tide; *provided*, said wharf shall not obstruct the free navigation of the bay or interfere with any general system of wharf improvements which may hereafter be adopted.

SEC. 2. For the purposes of said wharf said Gibbons, his associates and assigns, are hereby granted one hundred and fifty feet in width of the land in front of said premises, extending to twelve feet of water at low tide; *provided*, the same shall extend in a direct line towards ship channel.

Conditions.

SEC. 3. Said wharf shall be commenced within three months and completed within eighteen months after this Act takes effect, and at the expiration of twenty years shall revert to the State. No tolls, wharfage, or dockage shall be charged or col-

lected at said wharf except under the regulations of the State Harbor Commissioners for the use and benefit of the Wharf and Dock Fund.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCXXIV.—*An Act to confer further powers upon the Governor of this State in relation to the Pardon of Criminals.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Credits given for good behavior.

SECTION 1. The Board of State Prison Directors are hereby authorized and required to grant to every convict confined in the State Prison of this State, who shall well behave himself, and who shall perform regular labor during good health, either for the State authorities or in the employ of any contractor using convict labor by authority of the State, a credit of five days for each month of such regular work and good behavior; such credit to be computed in favor of every such convict as a commutation of sentence, and to be deducted from the entire term of penal servitude to which such convict shall have been sentenced; *provided*, that this rule of commutation shall be so applied that the five days of credit thus earned or allowed shall be forfeited by any refusal to labor, breach of the Prison rules, or other misconduct, as may be hereafter prescribed by the Board of State Prison Directors, during the month next succeeding that in which such credit may have been allowed.

Rules and regulations.

SEC. 2. The Board of State Prison Directors shall proceed to make such rules and regulations as may be necessary to carry into effect the provisions of this Act, and shall declare and establish a proper scale or rate of debits and credits for meritorious conduct or misconduct, which shall accompany the rules of discipline of the Prison, and in a book to be kept for that purpose shall cause to be entered up at the end of each month the result of credits to which each prisoner may be entitled under this Act, and on the first day of each month shall announce such result to the prisoners.

Contractors.

SEC. 3. Every contractor employing convict labor shall keep a similar record of the conduct of all prisoners employed by them, and shall submit the same for inspection to the Board of State Prison Directors at the end of every month, who shall take the same into consideration in making up their decision.

Directors to report.

SEC. 4. At the end of every three months, the Board of State Prison Directors shall report to the Governor of this State the names of all prisoners who may have become entitled to the benefits of this Act, with the amounts of total credits to the date of such report, the term of their sentences, the date of imprisonment, and the date when their service would expire by limitation of sentence.

SEC. 5. The Governor of this State is hereby authorized, empowered, and required, in such case so reported to him by said Board wherein the total amounts of credits so earned and allowed shall amount to thirty days, to deduct such term of credits for good behavior and steady labor from the term of imprisonment for which such convict may have been sentenced, and at the expiration of the term for which such convict shall have been sentenced, less the number of days so allowed and credited, shall give and grant to such convict a free and unconditional pardon for the remainder of his term, to the intent that he may be restored to citizenship; *provided*, that no part of or provision contained in this Act shall be so taken or construed as in any manner to diminish the term of or grant a pardon to any convict, excepting as in the manner and upon the terms and conditions prescribed herein, nor shall the provisions of this Act apply to any convict whose term of sentence shall be for his natural life; and further, *provided*, that in granting such pardon, the Governor shall have power to prescribe in such pardon that the same shall not extend to a restoration to citizenship, if in his discretion such convict shall not deserve to be so restored.

Governor to deduct credits from sentence.

Proviso.

SEC. 6. The Board of State Prison Directors are hereby authorized and empowered to grant and enter up in favor of such prisoners whom they may deem worthy for meritorious conduct, industry, and good behavior, during the twelve months prior to the passage of this Act, the credit allowed and authorized by section one of this Act, not exceeding thirty days, to be deducted from the term of their imprisonment.

Duty of State Prison Board.

SEC. 7. The provisions of the Act entitled an Act prescribing the manner of applying for pardons, approved May eighteenth, eighteen hundred and fifty-three, shall not be applicable to any case wherein pardons are granted for labor and good behavior under the provisions of this Act.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXV.—*An Act regulating the Assessment and Taxation of Railroads and other Roads for Revenue purposes, and other matters relating thereto.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where a railroad, plank, turnpike, or wagon road, owned by any person, partnership, firm, joint stock company, or corporation, shall be located and constructed in several counties, or in several Revenue Districts of the same county, such road and the real and personal property appertaining thereto shall be assessed in the city and county or counties in which the several portions thereof are or may be situ-

Regulating assessments.

ated, and the capital stock of such railroad, plank, turnpike, or wagon road companies or corporations shall not be liable or subject to assessment or taxation against said company or corporation. The President, Secretary, Superintendent, or Managing Agent of such firm, company, or corporation, shall, on demand, give to the proper Assessor a statement, under oath or affirmation, containing a description of such road and the real and personal property appertaining thereto within the city or county where the same is to be assessed, and where such person, firm, company, or corporation keeps its principal office or place of business in a city or county other than the city or county in which such assessment is to be made; such demand for such statement may be made by depositing a written demand therefor in the Post Office, with postage prepaid, duly directed to such person, firm, company, or corporation, at the place where such principal office or place of business is or may be situated, and when there are several Revenue Districts in the same county, the whole length of said road in said county shall be assessed in the Revenue District in which the county seat is or may be located.

Regulating assessments.

SEC. 2. Such statement shall contain a description of such road and a list of all real and personal property owned by or in possession of such person, firm, company, or corporation in said city or county, with the estimated value thereof, also a statement of the buildings belonging or appertaining to such road in said city or county, with the estimated value thereof, also the number of locomotives and cars of any and all descriptions commonly known as "rolling stock," and their estimated value, the whole length of such road, and the length of that portion thereof in such city or county, and an apportionment of the valuation of such rolling stock to such city or county, the same to be estimated according to the proportion which the portion of said road in such city or county bears to the whole length of such road. And such statement and list shall be taken and held as prima facie correct and as evidence of the value of such property for all purposes of assessment and taxation; but the Assessor may avail himself of other evidence under oath or affirmation relating to the correctness of the list and the valuation, but in no case shall the assessment be rendered below the amount stated in such list, and if the same shall be increased by such Assessor, notice thereof shall be given by him to such person, firm, company, or corporation. The word "road," when applied to railroads, shall be held to include the road bed and all bridges and superstructures thereon.

Where taxes are to be paid.

SEC. 3. Such person, firm, company, or corporation shall pay the whole amount of their taxes levied in any county which is or may be divided into several Revenue Districts to the Collector of the Revenue District in which the county seat is or may be located, and the fees for the collection of such taxes shall be apportioned among the Collectors of the several Revenue Districts through which such road may be located and constructed by the Board of Supervisors of such county.

SEC. 4. All laws and parts of laws in conflict with the provisions of this Act, to the extent of such conflict, are hereby re-

pealed. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXVI.—*An Act to legalize the Assessments for Taxes for the revenue years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-two, and A. D. eighteen hundred and sixty-three, in the several Counties of this State.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessments legalized.

SECTION 1. The assessments of taxes upon all property, real and personal, in the several counties of this State, whether for State, county, or other purposes, made by the County, District, or Township Assessors thereof, for the revenue year commencing on the first Monday of March, A. D. eighteen hundred and sixty-two, and for the revenue year commencing on the first Monday of March, A. D. eighteen hundred and sixty-three, are hereby legalized and confirmed, and rendered binding and valid, both in law and equity, against the person and property assessed, and no want of description or indiscription, or informality, or irregularity in the description of the property assessed upon the assessment roll, if it can be ascertained or proved by any proper and competent evidence what property is intended, shall invalidate the assessment, but the same shall be sufficient, and be considered valid both in law and equity.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXVII.—*An Act for the relief of the Companies composing the Fifth Brigade of the Organized Militia of the State of California.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Controller to send statement of warrants issued.

SECTION 1. Immediately after the passage of this Act, the Controller of State is authorized and required to transmit to the County Treasurers of those counties comprising the Fifth Brigade of the organized and enrolled militia of this State, a written statement of the number of warrants drawn by him in favor of any company belonging in their respective counties, for all purposes whatsoever, in payment of the expenses of the Fifth Brigade Encampment, to whom each warrant was issued, the date and amount of the same, and if the warrants shall not all have been drawn immediately after the passage of this Act,

then the Controller shall continue to send said statements until all said warrants shall be drawn.

County Treasurers to pay out of State Funds.

SEC. 2. Upon presentation of said Controller's warrants to the County Treasurer of the county where the company belongs, and after the Treasurer shall have compared the same with the statement made to him by the Controller, and shall be satisfied that they are correct, then he shall pay the same out of any moneys in the County Treasury belonging to the State Military Fund, and said warrants, so paid by the County Treasurer, shall be received by the Treasurer of State from said County Treasurer as payments to said Military Fund.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXVIII.—*An Act to amend an Act entitled an Act concerning the Office of Attorney-General, passed February first, A. D. eighteen hundred and fifty.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Attorney-General, where to reside.

Section 1. The Attorney-General shall reside and keep his office at the seat of government, and shall not depart from the State, without leave of absence from the Legislature, for more than thirty days at any one time. He shall be commissioned by the Governor, and shall take the oath prescribed by the Constitution, and shall give bond, with security to be approved by the Governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office.

SEC. 2. Section five of said Act is hereby amended so as to read as follows:

Report of.

Section 5. The Attorney-General shall, on the first Monday of November annually, report to the Governor the condition of the affairs of his department, and in said report make such suggestions as shall appear to him calculated to improve the laws of the State. These reports shall be accompanied and verified by the reports which he shall have received from the District Attorneys of the State, and by a transcript from the docket which he is herein commanded to keep. He shall communicate to the Governor, or either House of the Legislature, whenever requested, any information concerning his office.

CHAP. CCCXXIX.—*An Act to provide the County Judge of Trinity County with the Supreme Court Reports of the State of California.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State is hereby authorized and empowered to procure and furnish to the County Judge of Trinity County one set of the Supreme Court Reports of said State; *provided*, that no copies of said reports shall be supplied by the Secretary of State to the officer named in this section who shall have in his possession, or which shall not have been destroyed, duplicates of said reports belonging to the county. Secretary of State to furnish reports.

SEC. 2. The officer named in this Act shall forward an affidavit, properly attested before a Notary Public, to the Secretary of State, testifying that all the books required by this Act for the use of his office were destroyed, and that no duplicates remain, or, if any remain, only the copies destroyed shall be supplied. Affidavit required.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCXXX.—*An Act supplemental to an Act entitled an Act to prevent the destruction of Timber on the Public Lands of this State, approved March second, eighteen hundred and sixty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act to prevent the destruction of timber on the Public Lands of this State, approved March second, eighteen hundred and sixty-four, shall not be so construed as to apply to trees cut or tapped at the time of the passage of said Act; *provided*, that such cut, tap, or bucket shall not be extended on the circumference of such trees, and shall not be re-cut so as to embrace more than one third of the circumference of such trees, and shall be cut in the same place that they were cut before. Former Act construed. Proviso.

SEC. 2. In all prosecutions under this Act or the Act to which this is supplemental, when the defence is that the tree was cut prior to the passage of said Act, the burden of proof shall be with the defendant, and he shall be required to show that such tap, cut, or bucket was made prior to the passage of said Act, and that he has not extended the circumference thereof. Prosecutions under this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXI.—*An Act to appropriate Money to pay the Claim of B. N. Bugbey.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of two hundred and eleven dollars is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of B. N. Bugbey for services rendered as Bailiff of Supreme Court in the years eighteen hundred and sixty-two and eighteen hundred and sixty-three, and the Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of said B. N. Bugbey for the said sum of two hundred and eleven dollars, and the State Treasurer is authorized to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXII.—*An Act to provide for the construction of a Turnpike Road in Santa Clara and Santa Cruz Counties.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. Charles McClay, his associates and assigns, are hereby authorized to construct and keep in repair a good wagon road, commencing at or near McCartysville, in Santa Clara County, and running westerly across the Coast Range of Mountains, crossing the same at or near the Tin Can Rancho, to a point on the Pescadero Creek near its head waters, in Santa Cruz County; and said grantee, his associates, heirs, and assigns, shall be and are hereby authorized to collect tolls on the said road for the term of twenty years from the passage of this Act, the same to be regulated from year to year by the Boards of Supervisors of Santa Clara and Santa Cruz Counties, as provided in the Act approved April twenty-second, one thousand eight hundred and sixty-one, entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of turnpike roads.

Right of way

SEC. 2. Said company shall have the right of way in and along the route of said road, and shall have all the right to enter upon, occupy, and condemn, private lands necessary for the location of said road, and to take and use any timber, rock, earth, or other material necessary for the construction thereof, which is conferred upon railroad companies by an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters

relating thereto, approved May twentieth, one thousand eight hundred and sixty-one.

SEC. 3. The Act approved May twelfth, one thousand eight hundred and fifty-three, authorizing the formation of companies for the construction of plank and turnpike roads, is hereby made applicable to the aforesaid company, except so far as it may conflict with the provisions of this Act.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCXXXIII.—*An Act to amend an Act entitled an Act defining the Rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of the Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Section 11. Upon the dissolution of the community by the death of the wife, the entire common property shall, without administration, go to the surviving husband. Upon the dissolution of the community by the death of the husband, one half of the common property shall go to the surviving wife, and the other half shall be subject to the testamentary disposition of the husband, and in absence of such disposition, shall go to his descendants, equally, if such descendants are in the same degree of kindred to the intestate, otherwise, according to the right of representation; and in the absence of both such disposition and such descendants, shall be subject to distribution in the same manner as the separate property of the husband; *provided*, that in case of the dissolution of the community by the death of the husband, the entire common property shall be equally subject to his debts, the family allowance, and the charges and expenses of administration.

Distribution of property in case of death.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXXIV.—*An Act to enable the Sonora and Mono Wagon Road Commissioners to settle with the Counties of San Joaquin, Tuolumne, Mono, and Stanislaus.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Settlement, how made.

SECTION 1. The Sonora and Mono Road Commissioners, appointed by the Supervisors of the Counties of San Joaquin, Tuolumne, Stanislaus, and Mono, under the provisions of an Act approved March thirty-first, A. D. eighteen hundred and sixty-three, entitled an Act to provide for the construction of a wagon road from Sonora, Tuolumne County, to Aurora, Mono County, are hereby authorized and required to hold a meeting, at the City of Sonora, in the County of Tuolumne, on the first Monday in June, A. D. eighteen hundred and sixty-four, for the final adjustment of all matters pertaining to their duties as such Road Commissioners, and for the settlement of all accounts outstanding and made prior to the passage of this Act, and for the payment of all dues on contracts; and at the first meeting of the Board of Supervisors of their respective counties thereafter the said Road Commissioners shall report to the said Supervisors a full and exact account of all their proceedings and transactions as Road Commissioners, and shall account to the Supervisors of their counties, respectively, for all moneys and bonds received by them from such Supervisors under the provisions of the Act approved March thirty-first, A. D. eighteen hundred and sixty-three, hereinbefore referred to, and pay over to the Supervisors of their respective counties all balance or balances of cash or bonds on hand and unexpended; and said Supervisors shall use all such balance of cash or bonds so paid over to them for the benefit of the General Fund of their respective counties. Nothing in this Act shall be so construed as to allow the said Road Commissioners to account to their respective Supervisors for any bonds received by them and sold or used in payment of contracts at a greater discount than thirty per cent.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXV.—*An Act concerning the State Revenue.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Taxes to be paid in gold coin.

SECTION 1. All taxes upon real or personal estate, all poll or other taxes, and all licenses levied, in whole or in part, for the use and benefit of the State, shall be collected and paid into the

State Treasury exclusively in the gold and silver coin of the United States.

SEC. 2. The stamp tax imposed under an Act entitled an Act to provide revenue for the support of the government of this State, approved May ninth, eighteen hundred and sixty-one, and the Acts amendatory thereof and supplementary thereto, and the several Acts imposing stamp duties, shall be collected and paid into the State Treasury exclusively in the gold and silver coin of the United States. Taxes to be paid in gold coin.

SEC. 3. The commutation and other moneys payable under the Act entitled an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplementary thereto, shall be collected and paid into the State Treasury exclusively in the gold and silver coin of the United States; and all dues to the public Treasury of the State, or of any county or city, shall be payable and be paid exclusively in the gold and silver coin of the United States.

SEC. 4. This Act shall take effect from its passage.

CHAP. CCCXXXVI.—*An Act concerning the fees of Jurors and Witnesses in the City and County of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the City and County of San Francisco the fees of jurors and witnesses shall be as hereinafter provided.

SEC. 2. The fees of jurors shall be, for each cause two dollars, to be paid in civil cases by the party in whose favor verdict is rendered, before the same shall be entered, if required, but the same may be recovered as costs against the party losing the case. If in any trial in a civil case before any Court the jury be from any cause discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as costs if he afterwards obtain judgment; until they are paid no further proceedings shall be allowed in the action. No person shall receive fees for serving on a Coroner's jury. Fees of jurors.

SEC. 3. The fees of witnesses for attending in any civil suit or proceeding before any Court of record, Referee, Commissioner, or Justice of the Peace, shall be, for each day, two dollars. No person shall be obliged to attend as a witness in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same; and no person who resides without said city and county shall be obliged in a civil action or proceeding to attend as a witness in said county unless the distance be less than thirty miles from his place of residence to the place of trial; and any such witness shall be entitled, for travelling from his place of residence to the place of trial, to twenty-five cents for each mile. Witnesses.

SEC. 4. This Act shall go into effect immediately.

CHAP. CCCXXXVII.—*An Act to appropriate money for deficiency in appropriation for Per Diem and Mileage of Senators for Fifteenth Fiscal Year.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of two thousand dollars is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, for deficiency in the appropriation for per diem and mileage of Lieutenant-Governor and Senators for the Fifteenth Fiscal Year.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXXVIII.—*An Act for the improvement of Napa County, by providing means for the establishment of an Agricultural Society and the State Agricultural College therein.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax authorized.

SECTION 1. The Board of Supervisors of Napa County are hereby authorized to levy a tax of twenty cents upon each one hundred dollars of all the assessable property in Napa County, for the purpose of purchasing Fair grounds and constructing suitable buildings thereon for holding Fairs, for the use of any Agricultural Society now formed or that may hereafter be formed desiring the use of the same.

SEC. 2. Said tax shall be levied by said Board of Supervisors whenever the San Pablo Bay District Agricultural and Mechanical Society is permanently located at Napa City, or whenever two hundred tax payers of said county shall, in writing, petition said Board to make such levy.

Lands for fair grounds

SEC. 3. Said Board of Supervisors, after levying the aforesaid tax, are hereby authorized and empowered to purchase land for Fair grounds at or near Napa City, in said county, and to construct suitable buildings thereon, at a cost not exceeding the sum raised or to be raised under the provisions of this Act; the property to be purchased for and in the name of said county.

For State Agricultural College.

SEC. 4. Said Board of Supervisors are further authorized to levy a tax in the sum of fifty cents upon each one hundred dollars of all of the assessable property in Napa County, for the purpose of purchasing grounds or constructing buildings, or both, for the State Agricultural College, providing the same is permanently located in Napa County; and in case said College is so located in said county, then said Board of Supervisors are hereby required and enjoined to make said levy, and appropriate the amount so raised to the uses and purposes herein expressed.

SEC. 5. Said taxes shall be collected at the same time and in the same manner as the State taxes; and the fact of levying such taxes shall be conclusive evidence of the right to levy the same.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCCXXXIX.—*An Act amendatory of and supplementary to an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Jurisdiction of estates.

Section 1. There shall be in each county of this State a Probate Judge and a Probate Court, with the power and jurisdiction conferred by this Act and other Acts. The Probate Court existing in each county on and after the first day of January, A. D. eighteen hundred and sixty-four, shall be considered and treated as a continuation of the Probate Court existing in the same county prior thereto, so far as relates to all the records, books, papers, matters and things, which belonged or pertained to or were on file in said Court so existing prior to said first day of January, and all such records, books, papers, matters and things, shall be and continue in said Court so existing on and after said first day of January, as its own proper records, books, papers, matters and things.

SEC. 2. The third section of the said Act is hereby amended so as to read as follows:

Non-residents.

Section 3. When the estate of the deceased is in more than one county, he having died out of the State, and not having been a resident thereof at the time of his death, or being such non-resident, and dying within the State, and not leaving estate in the county where he died, the Probate Court of that county in which application is first made for letters testamentary or of administration, shall have exclusive jurisdiction of the settlement of the estate.

SEC. 3. The twenty-eighth section of the said Act is hereby amended so as to read as follows:

Probate of copy of will.

Section 28. When a copy of the will and the probate thereof, duly authenticated, shall be produced by the Executor, or by any person to whom letters of administration, with the will annexed, might be granted, with a petition for letters, the same shall be filed in Court, and the Court or Judge shall appoint a time of hearing, and notice shall be given in the same manner as in the case of an original will for probate.

SEC. 4. The twenty-ninth section of the said Act is hereby amended so as to read as follows:

Section 29. If, on the hearing, it shall appear to the Court that the instrument ought to be allowed as the will of the deceased, the authenticated copy shall be admitted to probate and recorded the same as in case of other wills, and the will shall have the same force and effect as if it had been originally proved and allowed in the same Court. It shall be sufficient if it shall appear from the copies referred to in the preceding section that the will was executed in conformity with the laws of this State, and was proved and allowed in conformity with the laws of the State, Territory, district, foreign country or State, where the same was proved and allowed, and that the same was proved and allowed in conformity with the laws last referred to; the copy of the order, decree, judgment, or certificate of the Court or officer having jurisdiction of the subject matter, duly authenticated, showing that the will has been proved and allowed, shall be prima facie evidence, and also prima facie evidence of the death of the testator; but nothing herein shall be so construed as to exclude any other legal evidence.

SEC. 5. The fifty-fourth section of the said Act is hereby amended so as to read as follows:

Discretion of Court.

Section 54. When there are several persons equally entitled to the administration, the Court may, in its discretion, grant letters to one or more of them; and when a creditor is claiming letters, the Court may, in its discretion, at the request of another creditor, grant letters to any other person legally competent.

SEC. 6. The seventy-third section of the said Act is hereby amended so as to read as follows:

Bond of Administrators

Section 73. Every person to whom letters testamentary or of administration shall have been directed to issue, shall, before receiving the letters, execute a bond to the State of California, with two or more sufficient sureties, to be approved by the Probate Judge. In form, the bond shall be joint and several, and the penalty shall not be less than twice the value of the personal property and twice the probable value of the annual rents, profits, and issues of the real property belonging to the estate, which values shall be ascertained by the Probate Judge, by the examination on oath of the party applying, and of any other persons he may think proper to examine. The Probate Judge shall require an additional bond whenever the sale of any real estate belonging to an estate is ordered by him; *provided*, that no such additional bond shall be required when it shall satisfactorily appear to the Court that the penalty of the bond given before receiving letters, or of any bond given in place thereof, is equal to twice the value of the personal property remaining in or that will come into the possession of the Executor or Administrator, including the annual rents, profits, and issues of real estate, and twice the probable amount to be realized on the sale of the real estate ordered to be sold. The bond shall be conditioned that the Executor or Administrator shall faithfully execute the duties of the trust according to law.

SEC. 7. The seventy-sixth section of the said Act is hereby amended so as to read as follows:

Sureties to justify.

Section 76. In all cases where bonds are required by this Act, the sureties must justify on oath, before some officer authorized to administer oaths, to the effect that they are householders or freeholders, residents within this State, and worth the amount justified to over and above their debts and liabilities, exclusive of property exempt from execution. Such justification shall be in writing, signed by the person justifying, and certified to by the officer who takes the same, and attached to and filed with the bond. Whenever the penal sum of the bond amounts to more than two thousand dollars, the sureties may be allowed to become liable for portions of said penal sum, making, in the aggregate, the whole penal sum of the bond; but for each of said portions of said penal sum there shall be at least two sufficient sureties, who shall be jointly and severally bound therefor with the principal. Nothing, however, in this Act shall be so construed that all the sureties upon any such bond, the penal sum of which exceeds two thousand dollars, may not be jointly and severally bound with the principal for the whole penal sum, and each of them justify in portions thereof; *provided*, the sums justified to can, without dividing any of them, be so added or arranged as to form two sums, each equal to or greater than the said penal sum.

SEC. 8. The seventy-seventh section of the said Act is hereby amended so as to read as follows:

When bond may be dispensed with

Section 77. When it is expressly provided in the will of a testator that no bond shall be required of the Executor, letters testamentary may issue and sales of real estate be made and confirmed without any bond having been given; but an Executor to whom letters have been issued without bond may at any time afterward, whenever it may be shown from any cause to be necessary or proper, be required to appear and file a bond, as in other cases.

SEC. 9. The one hundred and third section of the said Act is hereby amended so as to read as follows:

When Judge is not to act.

Section 103. No Probate Court shall admit to probate any will or grant letters testamentary or of administration in any case where the Judge of such Court shall be interested as next of kin to the deceased, or as a legatee or devisee under the will, or when he shall be named as Executor or Trustee in the will, or shall be a witness thereto, or shall be in any manner interested or disqualified from acting.

SEC. 10. The one hundred and fourth section of the said Act is hereby amended so as to read as follows:

Judge of an adjoining county.

Section 104. When the Probate Court of any county shall be precluded from admitting to probate a will, or granting letters testamentary or of administration, from any of the causes mentioned in the preceding section, the will may be proved, and letters testamentary or of administration may be granted, and all proceedings necessary thereto or consequent thereon may be had in the Probate Court of an adjoining county, and the Probate Judge and Probate Court of such adjoining county shall be vested with as full and complete power, authority, and jurisdiction in the premises as would pertain to them if the tes-

tator or intestate had been a resident of such adjoining county at the time of his death, and shall retain jurisdiction in all subsequent proceedings in relation to the estate.

SEC. 11. The one hundred and twenty-third section of the said Act is hereby amended so as to read as follows:

Allowance for maintenance.

Section 123. Any allowance made by the Court or Judge in accordance with the provisions of this Chapter, shall be paid by the Administrator in preference to all other charges, except funeral charges and expenses of administration; and any such allowance, whenever made, may, in the discretion of the Court or Judge, take effect from the death of the testator or intestate.

SEC. 12. The one hundred and thirty-fifth section of the said Act is hereby amended so as to read as follows:

Claims barred.

Section 135. No claim shall be allowed by the Executor or Administrator, or by the Probate Judge, which is barred by the Statute of Limitations. When a claim shall be presented to the Probate Judge for his allowance, he may, in his discretion, examine the claimant and other persons on oath touching the validity of the claim, and may hear any other legal evidence in relation thereto.

SEC. 13. The one hundred and sixty-seventh section of the said Act is hereby amended so as to read as follows:

Time and place of sale

Section 167. Such sale shall be made in the county where the land is situated; but when the tract of land is situated in two or more counties it may be sold in either of said counties. The sale shall be made between the hours of nine o'clock in the morning and the setting of the sun on the same day, and shall be made at public auction, unless the Court shall have ordered that the real estate, or some part thereof, may be sold at either public or private sale; but the same shall not be sold at private sale until at least one week after notice of the terms of sale and of the time, not less than one week, within which offers or bids will be received, shall have been given according to law as in case of sales at public auction; nor shall such sale, at private sale, be made unless the real estate to be sold shall have been appraised within a year previous to the time of such sale; nor shall the same be sold at private sale for any sum more than ten per cent less than the appraised value thereof. If said real estate has not been so appraised, or if the Court shall be satisfied that the appraisement is too high or too low, Appraisers shall be appointed, and they shall make an appraisement thereof in the same manner as in the case of the appraisement of the inventory.

SEC. 14. The one hundred and sixty-ninth section of the said Act is hereby amended so as to read as follows:

When resale may be ordered.

Section 169. The Executor or Administrator making any sale of any real estate shall make a return of his proceedings to the Probate Court, and the same shall be filed in the office of the Clerk; and such return may be so made and filed at any time subsequent to the sale, either in term or vacation. If the sale be made at public auction, and the return be made to the Court and filed in the office of the Clerk on or before the first day of the next term thereafter, no notice shall be required upon such return, or of the hearing thereon, but such hearing may be had upon said first day of the term, or any subsequent day

to which the same may be continued. If the sale be not made at public auction, or if made at public auction a hearing upon the return of proceedings be asked for in the return upon a day before the first day of the next term thereafter, or upon any other day than the first day of the next term after such sale, the Court or Judge shall fix a day for the hearing, of which notice of at least ten days shall be given. The notice shall be given by the Clerk, by notices posted in three public places in the county, or by publication in a newspaper, or both, as the Court or Judge shall direct, and shall briefly indicate the land sold, and the sum for which it was sold, and shall refer to the return for further particulars. Upon the said first [day] of the term, or upon the day fixed for the hearing upon any such return, or upon the day to which the hearing may be continued, the Court shall examine the return, and may examine witnesses in relation to the same, and if the Court shall be of the opinion that the proceedings were unfair, or that the sum bid is disproportionate to the value, and that a sum exceeding such bid at least ten per cent exclusive of the expenses of a new sale may be obtained, he shall vacate said sale and direct another to be had, of which notice shall be given, and the sale shall be in all respects conducted as if no previous sale had taken place; *provided*, that if an offer greater by ten per cent, or more than that named in the return, be made to the Court in writing by a responsible person, it shall be in the discretion of the Court to accept such offer and confirm the sale to such person, or to order a new sale.

SEC. 15. The two hundred and sixty-sixth section of the said Act is hereby amended so as to read as follows:

Whole estate may be assigned to one in certain cases.

Section 266. When any such real estate cannot be divided without prejudice or inconvenience to the owners, the Probate Court may assign the whole to one or more of the parties entitled to share therein who will accept it, always preferring the males to the females, and among children preferring the elder to the younger; *provided*, the parties so accepting the whole shall pay to the other parties interested their just proportion of the true value thereof, or shall secure the same to their satisfaction, or in case of the minority of such party, then to the satisfaction of his or her Guardian, and the true value of the estate shall be ascertained and reported by Commissioners; and when the Commissioners appointed to make partition shall be of the opinion that any such real estate cannot be divided without prejudice or inconvenience to the owners, they shall so report to the Court, and shall recommend that the whole be assigned as before provided, and shall find and report the true value of such real estate. Upon the return of the report of the Commissioners, and upon making or securing payment as before provided, the Court may, if the same shall appear just and proper, confirm the report, and thereupon the assignment shall be complete, and the whole of such real estate shall vest in the person or persons to whom the same shall be so assigned.

Errors in accounts may be corrected.

SEC. 16. Any petition, account, or return may be amended in the Probate Court at any time before the close of the final hearing thereon, to supply a deficiency or omission in any matter of form, substance, or jurisdiction, or to correct any error

therein, and no additional notice shall be required on account of any such amendment. Any petition for the sale of real estate may also be amended in like manner, and without further notice, upon the hearing upon the return of proceedings upon any sale made in pursuance of an order of sale granted upon such petition, in which case, if the allegations of the petition so amended have not been already established, evidence may be received thereon upon such hearing, and the allegations, if already established, or if found true by the Court on such hearing, and the fact be inserted in the order confirming the sale, shall have the same force and effect as if they had been originally made in the petition for the sale and established upon the hearing thereon. Amendments provided for in this section shall be made in such manner as the Court shall direct.

Deficiencies and omissions.

SEC. 17. Deficiencies or omissions in matters of form, substance, or jurisdiction, in cases not provided for in the preceding section, may be amended in the Probate Court at any time before the close of administration in the manner provided in this section. The Executor or Administrator, or any person interested in favor of the validity of any probate of a will or authenticated copy of a will, grant of letters testamentary or of administration, or sale of real estate, may present to the Probate Court his petition in writing, duly verified, in which he may show that there is a deficiency or omission in the petition for the probate of the will or athenticated copy of the will, grant of letters testamentary or of administration, or sale of real estate, or in the return of proceedings on the sale of real estate, that the fact or facts in regard to which such deficiency or omission is asserted existed, and might and should have been stated in the petition for the probate of the will or authenticated copy of the will, grant of letters testamentary or of administration, or sale of real estate, or in the return of proceedings on the sale of real estate, and praying that he may be allowed to establish the same. Upon the presentation of such petition the Court shall carefully examine the same, and if it shall appear therefrom that the prayer thereof ought to be granted, shall appoint a time and place for the hearing thereon, and shall direct notice of the same to be given by the Clerk, by causing notice to be posted in at least three public places in the county where the Court is held at least three weeks before the hearing, and to be published in such newspaper as the Court shall designate at least once a week for three or more successive weeks before the hearing, which notice shall contain a reference to the petition, and a brief statement of the facts which the petitioner prays he may be allowed to establish; and if the petitioner is not the Executor or Administrator, the Court shall direct a citation to be issued to the Executor or Administrator to appear and show cause why the prayer of the petition should not be allowed. The Probate Court, at the time and place appointed for the hearing, or at such other time as the same may be adjourned to, upon satisfactory proof of such posting, publication, and service as may have been ordered in the matter, shall proceed to the hearing of such petition, and shall hear and examine the allegations of the petitioner, and of all persons interested in the estate who may oppose the application, and

may hear the testimony of the parties, and such other legal evidence as may be offered by any of them; and if thereupon it shall appear to the Court that the facts alleged in the petition, or any of them, are true, and that they ought to be allowed and established, the Court shall make a decree that such facts are true, allowed, and established, and thereupon the facts so allowed and established shall have the same force and effect as if they had been duly stated in the petition or return to which they relate, namely: the petition for the probate of the will or authenticated copy of the will, grant of letters testamentary or of administration, or sale of real estate, or the return of proceedings on the sale of real estate, as the case may be, and had been duly proved and established upon the hearing on such petition or return. If any decree provided for in this section relate to or may directly affect any sale of real estate, an attested copy thereof shall, within fifteen days from the making of the same, be recorded in the office of the County Recorder of the county in which the real estate is situated.

Deficiencies and omissions.

SEC. 18. After the close of administration, any fact or facts necessary to the validity of any probate of a will or authenticated copy of a will, grant of letters testamentary or of administration, or sale of real estate, ordered or confirmed by a Probate Court, which were not stated, or not sufficiently stated, in the petition for such probate, grant, or sale, or in the return of proceedings on any such sale, but which existed at the time of the making of such petition or return, and which might and should have been stated therein, may be established as follows: Any person interested in sustaining the probate of any will or authenticated copy of a will, any grant of letters testamentary or of administration, or any sale of real estate, ordered or confirmed by a Probate Court, may present his petition in writing, duly verified, to the Probate Court of the county in which administration was had, in which he shall particularly set forth any fact or facts of the character before referred to, and pray that he may be allowed to establish the same. Upon the presentation of such petition the Court shall carefully examine the same, and if it shall appear therefrom that the prayer thereof ought to be granted, shall appoint a time and place for the hearing thereon, and shall direct notice of the same to be given by the Clerk by causing notice to be posted in at least three public places in the county where the Court is held at least twelve weeks before the hearing, and to be published in such newspaper as the Court shall designate as most likely to give notice to the persons interested, at least once a week for twelve or more successive weeks before the hearing, which notice shall contain a reference to the petition and brief statement of the facts which the petitioner prays he may be allowed to establish. The Probate Court, at the time and place appointed for the hearing, or at such other time as the same may be adjourned to, upon satisfactory proof of such posting and publication as may have been ordered in the matter, shall proceed to the hearing of such petition, and shall hear and examine the allegations of the petitioner and of all persons interested in the matter who may oppose the application, and may hear the testimony of the parties and such other legal evidence as may be offered by any of

How facts omitted in the first instance may be established.

them; and if, thereupon, it shall appear to the Court that the facts alleged in the petition, or any of them, are true, and that they ought to be allowed and established, the Court shall make a decree that such facts are true, allowed, and established, and thereupon the facts so allowed and established shall, except as against purchasers from heirs or devisees of the deceased person to whom or to whose estate such facts relate for a valuable consideration before the passage of this Act, and persons holding under such purchasers, have the same force and effect as if they had been duly stated in the proper petition or return, namely: the petition for the probate of the will or authenticated copy of the will, grant of letters testamentary or of administration, or sale of real estate, or return of proceedings on the sale of real estate, and had been duly approved and established upon the hearing of such petition or return; *provided*, that if any such decree relate to or may directly affect any sale of real estate, an attested copy thereof shall, within fifteen days from the making of the same, be recorded in the office of the County Recorder of the county in which such real estate is situated; and, *provided*, further, that no decree made under the provisions of this section shall be pleaded in any action commenced before the passage of this Act.

Two preceding sections explained.

SEC. 19. The two sections next preceding are intended to provide for confirming and rendering valid the probate of wills, the probate of authenticated copies of wills, grants of letters testamentary, grants of letters of administration, and sales of real estate ordered or confirmed by a Probate Court, in cases where the facts necessary to the validity thereof actually existed at the time of any such probate, grant, or sale; but no such probate, grant, or sale shall be in any respect invalidated by any action or decree had or made under or by virtue of either of said sections. And no sale of real estate shall be confirmed and rendered valid by virtue of any proceeding had for that purpose under either of said sections, unless the Court shall be satisfied that such sale was made fairly and in good faith.

Court may appoint Attorney for minors.

SEC. 20. Upon or before the hearing on any petition provided for in sections seventeen and eighteen of this Act, if it shall appear that there are minors or persons residing out of the county who are interested in the matter of the petition, the Court may appoint an Attorney to represent them on such hearing, and shall, if requested by such Attorney, continue the hearing for such reasonable time as may be required for an examination of the petition and the matters connected therewith.

Clerk's fees.

SEC. 21. The compensation of the Clerk shall be as follows: For all services in any case arising under section seventeen of this Act, six dollars, to be paid out of the estate or by the petitioner, as the Court shall direct.

For all services in any case arising under section eighteen of this Act, ten dollars, to be paid by the petitioner.

Other proper and necessary costs and expenses in cases arising under said sections, and not contested, shall, if accruing before the close of administration, be paid out of the estate or

by the petitioner, as the Court shall direct; but if accruing thereafter, shall be paid by the petitioner.

In contested cases arising under said sections, such proper and necessary costs and expenses shall be paid by such party and in such manner as the Probate Court, or the Supreme Court on appeal, shall in its discretion direct, and execution therefor may issue out of the Probate Court.

Appeals.

SEC. 22. An appeal may be taken to the Supreme Court from any decree of a Probate Court, made by virtue of sections seventeen and eighteen of this Act, and from any order for the payment of costs and expenses, provided for in the last section, as in other cases arising in the Probate Court in which such appeals may be taken.

When heirs are all of age.

SEC. 23. Whenever all the heirs of a deceased person are of full age, the Probate Court having jurisdiction of the estate of such deceased person shall have authority, on the written petition or consent of all the heirs, to order a sale of the whole or any part of the real estate belonging to such deceased person; and in such case the petition for such sale need only set forth the fact of such consent [of] the majority of such petitioners, and describe the premises to be sold with reasonable certainty.

CHAP. CCCXL.—*An Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Water Commissioners.

SECTION 1. There shall be elected at the next election held in the County of Tulare for the election of a member of the Board of Supervisors, three Water Commissioners, who shall hold their offices until the next general election and until their successors are elected and qualified, and at each general election thereafter there shall be elected three such Commissioners, who shall hold their offices for the term of two years and until their successors are elected and qualified; and until the first election herein provided for, William C. Owen, William Ogden, and Forrest G. Jefferds shall constitute such Board of Water Commissioners, which Board shall have the powers and perform the duties hereinafter provided. In case a vacancy should occur in said Board, by death or otherwise, it shall be filled by the Board of Supervisors of said county by appointment, and each member shall, before entering upon the duties of his office, and within ten days after the reception of notice of his election or appointment, qualify, by giving a bond to the satisfaction of the Board of Supervisors in the sum of one thousand dollars, for the proper disposal of all moneys which may come into his possession, and for the proper performance of his duties.

Powers and duties of.

SEC. 2. The duties of said Commissioners shall be as follows:

First—They shall elect one of their number Chairman, and

Powers and duties.

one as Clerk of the Board; they shall, from time to time, appoint as many Overseers as they may deem necessary for the construction of the water ditches and the care of water courses, and define the boundaries within which they shall act in the county, and they may revoke such appointments at pleasure.

Second—Upon the petition of a majority of the citizens of any district or neighborhood, they shall lay out such ditch or ditches as may be necessary to irrigate the land in cultivation in the district, and apportion the water in the same to each individual in proportion to the land cultivated by each; *provided*, that should the water be insufficient for a continuous supply to all, the Commissioners shall, upon the petition of a majority of those interested, re-apportion the same without prejudice to any.

Third—No ditch shall hereafter be taken out of any stream in the waters of which different persons have an interest, without leave of said Commissioners; and upon the receipt of an estimate from the Overseers, or upon an estimate of their own, of the number of days work necessary to construct or repair any ditch and of the amount of land proposed to be irrigated by each individual using water therefrom, the Commissioners shall apportion such labor amongst those interested in proportion to the amount of water required by each, and should such labor fail to complete the work, they may immediately make a new assessment in the same proportion.

Fourth—They shall, as soon as they have apportioned the water, make a schedule of the hours which each person is entitled to use the same, commencing at the head of each ditch, and also the amount of labor performed or to be performed, and a copy of said schedule shall be posted at the head of the ditch, and such apportionment shall be binding, unless modified by the unanimous consent of those interested.

Fifth—A book shall be furnished by the Board of Supervisors of said county in which said Commissioners shall keep a full record of all official acts of said Board, which shall be open to the inspection of any citizen, and shall be delivered over to their successors in office.

Duties of Overseers.

SEC. 3. It shall be the duty of the Overseers to execute the orders of the Commissioners, to examine on or before the first day of February in each year the various ditches in their districts, make an estimate of the amount of labor necessary to put them in good repair, and report the same to the Board, together with the capacity of said ditches and the amount of land to be irrigated thereby, to see that the water is properly used as apportioned, that the ditches are kept in good repair, and that the labor required is properly expended.

SEC. 4. Said Overseers shall, each, keep a correct account of all work done under his supervision, and by whom, and any person who shall neglect or refuse to perform their proportion of work after having received three days notice to do so, shall pay the sum of ten dollars for each day's labor due from him, which shall be recovered at the suit of the Overseer, with costs of suit, before any Court of competent jurisdiction in the county or township, and all such money shall be applied to the construction or repair of the ditch upon which the labor was due; *provided*, that when any ditch shall break so as to cause a loss

or wastage of water, those interested shall respond immediately to the notice of the Overseer for the repair of the same under the same conditions as to delinquencies already provided in this section.

What shall constitute a day's work.

SEC. 5. Eight hours labor shall constitute a day's work; a team of two horses shall be equivalent to one day's work; a plough, wagon, or scraper, shall each, when used, be equal to one half day's work; and when required by the Overseer, persons shall, if practicable, furnish such implements as shall be necessary to the work.

Apportionment of water.

SEC. 6. In case any district or person shall consider that the water has not been properly apportioned, or in case the Commissioners cannot agree upon the apportionment, the matter may be referred to the County Judge, who shall determine the matter in contest.

Compensation of Commissioners and Overseers.

SEC. 7. The Commissioners and Overseers shall each be allowed and paid two dollars for each day actually employed in the discharge of the duties required by this Act, and for the purpose of paying the same the Commissioners are hereby authorized to levy a tax within the county upon each person benefited in proportion to the amount of water used by each, which tax shall be collected by the Overseers and paid over to the Commissioners, who shall disburse the same as required by this section, and the general laws for the collection of taxes, so far as necessary and practicable, are made applicable to the collection of this tax.

Right of way

SEC. 8. The Commissioners shall have the right of way to lay out and construct ditches through any lands in the county, and any person damaged thereby, or by the water of any ditch, shall be entitled to such compensation as may be agreed upon between the parties interested; and in case the parties cannot agree each party shall choose one Arbitrator, and the two so chosen shall choose a third, and such Arbitrators shall assess the damages sustained, under oath, which sum shall be paid by the parties using the water in proportion to the amount each is entitled to use, and the decision of said Arbitrators shall be final.

Penalty for using water improperly, etc.

SEC. 9. Any person using water from any ditch or water course in the county to which he is not entitled in accordance with the provisions of this Act, to the detriment of others, or who shall obstruct the waters of any water course or ditch by any dam or otherwise, or who shall wontonly break or injure any ditch, or who shall obstruct or hinder any Overseer in the performance of his duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred and not less than twenty dollars for the first offence, and not more than three hundred nor less than fifty dollars for every subsequent offence, or imprisonment in the County Jail for not more than thirty nor less than five days, or by both such fine and imprisonment. Any person violating the provisions of this section shall be prosecuted before any Court of competent jurisdiction in the county or township, upon the complaint of any person aggrieved or by any member of the

Board of Commissioners, and all moneys collected as fines under the provisions of this section shall be applied by the Commissioners to the payment of Overseers and the repair of the ditches which may have been damaged.

Waters not subject to the provisions of this Act.

SEC. 10. When water rises upon lands owned by any person, it shall not be subject to the provisions of this Act until it shall have passed beyond the limits of said land; and no person or persons shall divert the waters of any river or stream from its natural channel, to the detriment of any person or persons located below them on the same stream.

SEC. 11. This Act shall in no way interfere with or affect the powers or action of the Board of Commissioners created by an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four.

SEC. 12. All Acts of a general character conflicting with the provisions of this Act, so far as applicable to the County of Tulare, are hereby repealed.

SEC. 13. This Act shall take effect immediately.

CHAP. CCCXLI.—*An Act to authorize the Board of Supervisors of the County of El Dorado to subscribe One Hundred Thousand Dollars, in addition to the amount heretofore subscribed by said County, to the Capital Stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition for subscription to be submitted to the people.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of El Dorado, at the general or Presidential election in the year one thousand eight hundred and sixty-four, to submit to the qualified electors of said county the proposition for the Board of Supervisors of said county to subscribe one hundred thousand dollars, in addition to the amount heretofore subscribed by said county, to the capital stock of the Placerville and Sacramento Valley Railroad Company, by which to form a railroad communication between the City of Placerville, in said county, and the Town of Folsom, in said County of Sacramento.

Supervisors to give notice.

SEC. 2. It shall be the duty of the said Board of Supervisors and shall cause a notice thereof, and a notice of the submission of said proposition to the electors of said county, to be published for a space of at least fifteen days prior to said election in some newspaper printed and published in said county. Said notice shall state the time when said election shall be held, the proposition to be submitted to said electors, and the manner of voting thereon. Said Board of Supervisors shall also cause bal-

lots to be prepared and circulated at the several precincts in said county prior to said election, with the words "Additional Subscription of One Hundred Thousand Dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company," printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon; and every ballot against said proposition shall have the word "No" written or printed thereon.

Canvass and return of votes.

SEC. 3. It shall be the duty of the officers of said election, at each and all of the precincts in said county, to make a correct count of all the votes cast on said proposition, and to make a correct return of said vote, certified by their oaths, to the Clerk of the Board of Supervisors of said county within five days after the said election; and it shall be the duty of the Board of Supervisors, at their first meeting in the succeeding said election.

If the proposition is sustained Supervisors to authorise subscription

SEC. 4. If at said election a majority of the voters of said county, voting upon said proposition, shall vote "Yes," then, and in that event, the said Board of Supervisors are hereby authorized and directed, in the name of said county, and for its use and benefit, to subscribe said additional one hundred thousand dollars to the capital stock of the said Placerville and Sacramento Valley Railroad Company, and pledge the faith of the county for the payment of the same; *provided*, that said subscription shall be made by said Board of Supervisors, and accepted by said Placerville and Sacramento Valley Railroad Company, payable in the bonds of said county, and not otherwise, to be issued as hereinafter provided, and to be received by said railroad company in payment of said subscription at par, dollar for dollar.

Proviso.

Who to make subscription.

SEC. 5. Said subscription shall be made by a member of said Board of Supervisors, who shall be appointed by an order of said Board for that purpose. Said appointment shall be made immediately after the votes cast at said election shall have been canvassed as provided in section three of this Act; and it shall be the duty of the member so appointed to make said subscription immediately thereafter.

Bonds to be issued.

SEC. 6. The said Board of Supervisors, at such time thereafter as the payment of said subscription shall be required to be made by the Directors of said railroad company, shall, by an order entered upon their journal, direct the Board of Railroad Commissioners of said county, which Board shall be composed of the Chairman of the Board of Supervisors, the Auditor, and Treasurer of said county, to issue bonds in the sum of one thousand dollars each for the full amount of said subscription so as aforesaid required to be paid by said Board of Directors of said railroad company; *provided*, that said Board of Supervisors shall not be compelled at any one time to pay a larger instalment than ten per cent of said subscription, and it is hereby declared and made optional with them to pay the whole of said subscription at one time or in any lesser instalments, of not less than ten per cent each month, until said subscription is all paid. Said bonds shall bear interest at the rate of ten per cent per annum from the date of their issuance, and the principal thereof shall be made payable on a day certain, to be specified in said bonds, which shall not be less than fifteen nor more than twenty

years from their date, as the Board of Supervisors may, by an order entered on their journal, direct, and shall be payable at the office of the Treasurer of said county. The interest on said bonds shall be due and payable semi-annually so long as the same are outstanding and unpaid, and shall be made payable on a day certain, to be specified in coupons attached to said bonds, at the office of said Treasurer, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio Railroad Commissioners, and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk, in the presence of a quorum of said Board of Supervisors, at a meeting thereof, and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by said Clerk; and, upon the countersigning of said bonds, said Board of Supervisors shall cause the seal of said county to be affixed to each bond, and appoint one of their number to deliver said bonds to the Secretary of the said Placerville and Sacramento Valley Railroad Company, whose duty it shall be to give a receipt therefor, specifying the number, date, and amount of each bond so delivered, which receipt shall be delivered to the Clerk of said county, and by him filed in his office. Said bonds shall be drawn payable to the order of the Placerville and Sacramento Valley Railroad Company, and shall be made payable, both principal and interest, in United States coin, and may be transferred by said company by a written or printed transfer upon the back thereof, signed by the President and Secretary of the Board of Directors of said company.

How signed.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each of said bonds in such manner that the same may be removed without mutilation to the bond; and each of said coupons shall be signed by the said County Treasurer. When the County Treasurer shall pay any interest upon any of the bonds issued under the provisions of this Act, it shall be his duty to detach the coupons for the interest so paid, and deliver the same to the Clerk of said county, taking his receipt therefor; and it shall be the duty of said Clerk to file said coupons in his office, and make a report thereof to the said Board of Supervisors at their next meeting.

Tax to be levied.

SEC. 8. It shall be the duty of the said Board of Supervisors at the same time other county taxes are levied by them in each year, to levy a tax, which shall be styled the "Railroad Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act, and at the same time other county taxes are levied by them in the year eighteen hundred and sixty-six, and for every year thereafter, until all the bonds issued under this Act shall have been paid and liquidated. The said Board of Supervisors, should it be necessary, shall levy a tax not exceeding twelve and a half cents on the one hundred dollars worth of taxable property within said county, for the purpose of raising a Fund

for the payment of said bonds, to be styled the "Railroad Fund." And the said Railroad Interest Tax and the said Railroad Fund provided for by this Act shall be deemed and taken as a part of and additional to the Railroad Fund and the Railroad Interest Tax heretofore provided for in an Act entitled an Act to authorize the Board of Supervisors of the County of El Dorado to subscribe two hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved March twenty-eighth, eighteen hundred and sixty-three. Said taxes shall be levied and collected in the same manner as general taxes for county purposes, and when collected shall be paid to the County Treasurer, who shall account for and deliver the same over to said Railroad Commissioners, whose duty it shall be to apply the same as follows:

First—The Railroad Interest Tax, to the payment of the interest falling due on said bonds.

Second—The Railroad Fund, to the redemption of said bonds as hereinafter provided.

SEC. 9. If there shall be collected as such portion of said railroad interest tax in any one year a sum greater than is required to pay the annual interest on the bonds issued under the provisions of this Act, it shall be the duty of the said Railroad Commissioners to transfer such surplus to the said Railroad Fund.

Payment of interest.

SEC. 10. It shall be the duty of said Railroad Commissioners to make arrangements for the payment of the interest on said bonds at least thirty days before the same falls due, and in the event said Interest Fund shall be insufficient to meet such payment, the said Board of Supervisors shall, by an order entered on their journal, direct the Auditor of said county to draw a warrant upon the Treasurer of said county for such deficit, and such warrants shall receive the same preference in the order of their payment as is given by section ten of the Act of eighteen hundred and sixty-three, authorizing the County of El Dorado to subscribe to the capital stock of the Placerville and Sacramento Valley Railroad Company; and in the event there shall be no money in the General Fund of said county with which to pay said warrants at the time of their presentation, it shall be the duty of the said Railroad Commissioners to sell such warrants upon such terms as are reasonable and fair, and pay the proceeds of such sale into said Interest Fund; and in the event these sources prove inadequate, the said Railroad Commissioners are hereby authorized and directed to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith and credit of said county. The warrants mentioned in this section shall be drawn payable to the order of said Railroad Commissioners.

Redemption of bonds.

SEC. 11. Whenever at any time there shall be in said Railroad Fund a sum of money amounting to one thousand dollars or upwards, the said Railroad Commissioners shall advertise in a public newspaper published in said county, for the space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time for such

publication said Commissioners shall open said proposals, and shall pay and liquidate, as far as the Railroad Fund then in hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be redeemed and liquidated; *provided*, the same shall not be more than the par value thereof; and, *provided*, that should there be no proposals made for less than par value, the payment of said Railroad Fund on hand shall be made on said bonds according to the number of their issue, of which payment said Commissioners shall give four weeks notice, to be published in some newspaper published in said county, specifying the numbers of the bonds to be paid, after which time shall cease to draw any interest. All moneys remaining in said Railroad Fund after all of said bonds shall have been redeemed shall be paid by the said Commissioners to the County Treasurer, who shall pay one third thereof into the School Fund, and the residue into the General Fund of said county.

Bonds paid to be cancelled.

SEC. 12. Whenever any bonds shall have been paid and redeemed by said Commissioners, they shall mark the same "cancelled" over the signatures of said Commissioners, and shall immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk shall file said cancelled bonds in his office.

Liability of officers.

SEC. 13. The said Commissioners and all other officers herein mentioned shall be liable on their official bonds for the faithful performance of all the duties required of them under the provisions of this Act, and shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and said Commissioners and other officers shall receive no other fees or compensation for the services required of them under the provisions of this Act than such as are allowed by law for the performance of the duties of their respective offices.

Who to represent the stock of the county.

SEC. 14. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person or persons, to cast all votes [representing] respecting the capital stock so subscribed by them at all meetings of the stockholders of the said Placerville and Sacramento Valley Railroad Company; and they shall by an order made and entered on their journal for that purpose, have full power to sell, transfer, and assign, said capital stock or any part thereof so taken by them under the provisions of this Act, whenever, on a submission to the qualified electors of said county at any county, or general, or special election, of a proposition to sell the same, a majority of those voting upon said proposition shall vote in favor thereof.

Profits arising from the stock to be placed in Railroad Fund.

SEC. 15. Said Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to the stock of said railroad company, and shall receive all of the dividends, issues, and profits arising from the capital stock so subscribed by them; and it shall be their duty to set aside and transfer all such dividends, issues, and profits, together with all taxes which may be from time to time paid to said county by said railroad company to the said Railroad Fund, to be applied by

the said Railroad Commissioners to the payment of the interest and principal of the bonds issued under the provisions of this Act in the manner provided by section eleven of this Act; and after the full payment of all of said bonds, both principal and interest, the said dividends, issues, and profits, arising from said stock subscription shall be applied as follows: One third part thereof to the School Fund of said county, and the remaining two thirds to the General Fund of said county.

County not liable beyond the amount subscribed.

SEC. 16. The subscription of stock authorized by virtue of the provisions of this Act shall be made by said Board of Supervisors on the books of said railroad company upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed, and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road.

Publication of Act.

SEC. 17. It shall be the duty of said Board of Supervisors to cause this Act to be published for the space of ten days in some newspaper published in said county, and such publication shall be completed prior to the election mentioned in the first section of this Act.

Acts repealed.

SEC. 18. So much of an Act entitled an Act to authorize the Board of Supervisors of the County of El Dorado to subscribe two hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved March twenty-eighth, eighteen hundred and sixty-three, as conflicts with the provisions of this Act is hereby repealed.

SEC. 19. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

CHAP. CCCXLII.—*An Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the Capital Stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition for subscription submitted to the people.

SECTION 1. The Board of Supervisors of the County of Napa are hereby authorized and directed to order a special election to be held on the second Wednesday of May next, for the purpose of submitting to the qualified electors of said county the proposition for the said county to take and subscribe of and to the capital stock of the Napa Valley Railroad Company ten thousand dollars per mile for each mile of the first five miles completed of said road, and five thousand dollars per mile for each mile thereafter. The said Board of Supervisors shall cause notice of such election to be published in one or more newspapers

published in said county, for fourteen days preceding the time fixed for such election, and shall in such notice state the proposition to be submitted to the electors and the manner of voting thereon. The said Board of Supervisors shall cause ballots to be prepared with the words "Subscription to Napa Valley Railroad Company." Every ballot in favor of the subscription shall have the word "Yes," written or printed thereon, and every ballot against said subscription shall have the word "No," written or printed thereon. Said election and the returns thereof shall be conducted and made in the same manner as are elections for county officers, and said returns shall be made within three days after said election to the Clerk of said county, which returns shall, on the Monday after such election, be opened and counted by the said Board of Supervisors, who are hereby required to meet for such purpose, and who shall, at such meeting, officially declare the result and cause an entry thereof to be made on the journal.

SEC. 2. If at such election there be a majority of all the votes cast in favor of such subscription, the Chairman of the Board of Supervisors, or the Chairman pro tem at such meeting, shall, in the name and on behalf of said County of Napa, take and subscribe for the use and benefit of said county, on the books of the said Napa Valley Railroad Company, an amount of the stock of said company equal to ten thousand dollars per mile for each mile of the first five miles built of said road, and five thousand dollars per mile for each mile thereafter; and the said subscription shall [be made] substantially in the following form:

Form of subscription

"The County of Napa, represented by its Board of Supervisors, does hereby take and subscribe to the capital stock of the Napa Valley Railroad Company ten thousand dollars per mile for each mile of the first five miles built of said road, and five thousand dollars per mile for each mile thereafter. The subscription to be paid in the bonds of said County of Napa, bearing interest at ten per cent per annum, payable annually. Principal payable in twenty years from date of issuance; both principal and interest to be paid in United States gold coin, and the said bonds to be received by the said company at par. It being understood that this subscription is made with the express reservation that the said county shall in no event be liable for any of the debts or liabilities of said company.

"_____,

"Chairman of Board of Supervisors of Napa County."

Manner of payment.

SEC. 3. The said subscription shall be paid in the bonds of said county as aforesaid, and said bonds shall be issued to the said company in [the] manner following, that is to say: whenever any portion of the said road shall be fully completed, equipped, and in running order, and the Secretary and Chief Engineer of said company shall make oath thereof, stating the length of the road so completed, which shall be not less than two (2) miles, and shall file the same with the County Auditor, it shall be the duty of said Auditor to immediately notify the Chairman of said Board of Supervisors thereof, who shall call

a meeting of said Board, to be held within ten days after the filing of such notice, and the said Board shall, at such meeting, direct the issuance of such amount of bonds as said company shall be then entitled to receive in accordance with the provisions of this Act, and such order shall be entered upon the minutes of said Board. The said bonds shall be delivered to the Secretary of the said company, who shall receipt to the Treasurer of said county therefor, and shall, at the same time, deliver to said Treasurer certificates of the said company in the name of said county to an amount equal to the bonds so received. The said bonds shall be of the denominations of one thousand dollars and of five hundred dollars, and shall have coupons for interest attached, so that said coupons may be removed without mutilation to the bonds, and said coupons shall be payable on the second day of January of each year. The said bonds and coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer, and shall be countersigned by the County Clerk, who shall also affix to each bond the seal of said county, and a register of each bond issued shall be kept in the office of said County Treasurer.

Tax levied.

SEC. 4. The Board of Supervisors of said county are hereby authorized and required to levy each year a tax of twenty-five cents on each one hundred dollars of the taxable property of said county, which tax shall be known as the "Interest Tax," and shall be used only for the purpose of paying the interest on the bonds issued under the provisions of this Act, except as is hereinafter provided. And in the year eighteen hundred and seventy, and each year thereafter until said bonds are fully paid and liquidated, the said Board of Supervisors shall, if it be by them considered necessary, levy a further tax, not exceeding twenty-five cents on each one hundred dollars of the taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled the "Railroad Fund." If there shall be collected in any one year on the said interest tax an amount more than sufficient to pay the interest for that year on said bonds, the surplus shall be transferred to the said Railroad Fund, and shall be used as provided in the next section; and all dividends received by said county from the stock of said Napa Valley Railroad Company shall also be placed in said Railroad Fund, and used in the same manner until said bonds are fully liquidated.

Redemption of bonds.

SEC. 5. The Chairman of the Board of Supervisors, the County Treasurer, and County Auditor, shall constitute a Board of Commissioners for the purposes of this Act, and shall be styled Railroad Commissioners, and shall perform the duties prescribed in this Act. Whenever there shall be at any time in said Railroad Fund an amount equal to three thousand dollars or upwards, it shall be the duty of said Commissioners to advertise in a newspaper published in said county, and also in one newspaper published in the City and County of San Francisco, for the space of four weeks, for sealed proposals for the redemption of said bonds, and ten days after such notice shall be fully completed the said Commissioners shall open the said sealed

proposals, and shall pay, so far as the said Railroad Fund then on hand shall extend, such bonds presented under said proposals as shall be offered at the lowest value; *provided*, that in no event shall such bonds be liquidated at more than their par value; and, *provided*, also, that if there be no proposals for less than par value, then the amount on hand shall be paid on said bonds in the order of their issuance, and said Commissioners shall give four weeks notice, by advertisement, of the numbers of the bonds to be paid, after which time said bonds so advertised shall cease to draw interest.

Majority of Directors of road to be residents of Napa County

SEC. 6. A majority of the Directors of the Napa Valley Railroad Company shall be residents of Napa County, and unless a majority of the Directors thereof be residents of said county at the time of the making of the contracts for the construction of the road, and shall have been electors of said county for at least twelve months previous to the making of such contracts, then no stock shall be subscribed or taken by said county for such portion or portions of said road contracted for when a majority of the Directors were not residents of said county.

Liability of stock of county.

SEC. 7. No mortgage given upon said road shall be a lien upon or affect the stock or interest of said county in said road, nor shall any judgment against said road, nor any sale by execution on such judgment or mortgage, affect or impair the right or interest of said county in said road or the stock thereof.

Construction of road.

SEC. 8. It shall be lawful to construct said railroad across Napa River, at the southern extremity of Main street, in Napa City, providing there be a drawbridge over said river; the opening or draw in said bridge to be of sufficient extent to allow small sized sailing vessels to pass through. And it shall be further lawful to construct said railroad across Napa River at the eastern extremities of either the Second or Third streets of said city without a drawbridge; *provided*, the consent of Messrs. Heald & Company, owners of the flour mill of said city, be first obtained. And said road may be constructed through said city on any route that the Directors of said railroad company may determine best, subject to such rules and regulations as the Board of Supervisors may impose.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXLIII.—*An Act to amend an Act concerning Estray Animals, approved April nineteenth, eighteen hundred and fifty-six.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is amended so as to read as follows:

Section 6. If the owner of any estray horse, mare, mule, jack, or jenny, posted as aforesaid shall within six months, or

the owner of neat cattle shall within three months from the time the same was posted, appear and claim the same, he shall notify the taker up thereof, and the owner shall establish his claim to such animals before some Justice of the Peace of the proper township, by such evidence as shall be satisfactory to the Justice. In all cases when the claimant shall make satisfactory proof of ownership, the Justice shall make an order that he have restitution of the animal so proven upon his paying the costs, and to the taker up the expenses and costs that may be awarded him by the Justice; *provided*, the Justice shall not allow any expense for keeping an estray which the taker up or any one under his authority may have worked, ridden, or used while in his possession.

How estrays may be reclaimed.

SEC. 2. Section seven is amended so as to read as follows:

Section 7. If the owner of any lost or stray animal shall not appear and prove his property therein within the time specified in section one of this Act, he shall forfeit his right thereto, and the property in such animal shall be vested in the taker up upon his paying into the County Treasury the one half appraised value thereof as fixed by the Appraisers as aforesaid.

When right is forfeited.

SEC. 3. Section eight is amended so as to read as follows:

Section 8. No person taking up any animal under this Act shall sell, exchange, or dispose of the same in any manner, or remove the same from the county in which it was posted until after the expiration of the time specified in section one of this Act from the posting, and until he shall have paid the one half appraised value into the County Treasury.

Animal not to be removed from county.

SEC. 4. Section nine is amended so as to read as follows:

Section 9. If any estray animal die, or escape from the possession of the taker up at any time before the expiration of the time specified in section one of this Act from the taking up, he shall not be held liable in any manner on account of such animals.

Animal dying or escaping.

SEC. 5. Section fourteen is amended so as to read as follows:

Section 14. If at the expiration of the time specified in section one of this Act from the taking up of any estray under this Act, the Justice before whom the same was posted, his successor in office, or the District Attorney of the county, has good reason to believe the taker up has not duly paid into the County Treasury the one half appraised value as herein required, it is hereby made the special duty of said Justice in whose custody the record of the estray remains, or the District Attorney, to issue a notice to the delinquent, requesting him to appear before the Justice on a day specified, and show cause, if any he can, why judgment should not be entered against him in favor of the county for the sum. Such notice may be delivered to the Sheriff of the county, or any Constable of the proper township, and by him served on the proper party.

County may recover when taker up neglects to pay over money.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCXLIV.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of money by said Board.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid the sums of money and to exercise the powers following:

First—To allow and order paid, out of the General Fund, to the Secretary of the Board of Funded Commissioners, one hundred and twenty-five dollars per month for Clerk hire and office expenses, in addition to the amount now allowed by law.

Second—To allow and order paid, out of the General Fund, to the Chief Clerk or Deputy of the City and County Assessor, two hundred dollars per month, in lieu of the salary now allowed by law.

Third—To allow and order paid, out of the General Fund, the sum of one thousand dollars for the purpose of compromising conflicting titles to engine-house lots, if the legal advisers of the said city and county shall deem such compromise expedient; this sum to be in addition to the amount now allowed by law.

Fourth—To transfer to the Board of Education of said city and county, for Public School purposes, the building now occupied as a City and County Hospital, whenever the same shall not be required for a Hospital.

Compromise authorized.

Fifth—To compromise and settle all claims upon the part of the Western Pacific Railroad and the Central Pacific Railroad, for cash or other security, in place of bonds claimed by said companies of said city and county, under an Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe one million dollars to the capital stock of the Western Pacific Railroad Company and the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-second, eighteen hundred and sixty-three; *provided*, that the power to make such compromise shall rest in said Board of Supervisors only after and in case said Board of Supervisors shall be compelled by final judgment of the Supreme Court to execute and deliver the bonds specified in said Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXLV.—*An Act to establish Pilots and Pilot Regulations for the Ports of San Francisco, Mare Island, and Benicia.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Pilot Examiners.

SECTION 1. It shall be the duty of the Governor to commission three experienced and competent shipmasters, who shall be citizens of the United States, and residents of the City of San Francisco, two of whom shall be recommended by the Board of Underwriters and one by the Chamber of Commerce of said city, and the said three persons shall constitute a Board of Pilot Examiners for the Ports of San Francisco, Mare Island, and Benicia. The said Examiners shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed in the first section of the Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, to which oath shall be added a clause as follows:

"And I do further solemnly swear and faithfully promise that I will not knowingly or wittingly vote, or consent to appoint, or license any person as a Pilot who is not truly loyal to the United States, and firmly opposed not only to any pretended right of secession, but also to any compromise with rebels, except on terms of absolute submission."

SEC. 2. The Examiners commissioned shall, before entering upon their official duties, take an oath for the faithful discharge of the same, and shall hold their offices at the pleasure of the power recommending them.

Duties of.

SEC. 3. The Examiners shall keep an office at San Francisco, and shall meet therein at least once in each month. They shall elect one of their members President of the Board, who shall be authorized to administer all necessary oaths, and he is further authorized to issue subpœnas for the attendance of witnesses in all cases arising before the Board under this Act. A witness disobeying such subpœna shall forfeit and pay a sum not exceeding one hundred dollars, which forfeiture may be recovered in a civil action, to be instituted in the name of the President of the said Board of Examiners. They shall make by-laws and rules for their own government, and all needful rules and regulations for the government of the Pilots; *provided*, that such rules and regulations shall not be inconsistent with the provisions of the laws of this State or of the United States. A majority of said Examiners shall constitute a quorum for the transaction of business.

Secretary of.

SEC. 4. The Board may appoint a Secretary and fix his compensation, whose duty it shall be to keep correct minutes of all the proceedings of the Examiners in books to be provided by them for that purpose, and to register the names of all the Pilots, with the date of their license and place of residence. The books and register shall always be open to public inspection.

Prohibited from having an interest in pilot boats.

SEC. 5. Neither the Examiners nor the Secretary shall have any interest, directly or indirectly, in any pilot boat or steam-tug, or the earnings thereof, other than for compensation as herein provided.

Appointment of pilots.

SEC. 6. Immediately after the passage of this Act the Board of Pilot Examiners shall, with all convenient speed, proceed to examine and license, in the manner prescribed herein, such number of Pilots as, in their discretion, may be necessary, but not less than ten nor more than fifteen for the Port of San Francisco, and one Pilot for the Ports of Mare Island and Benicia; *provided*, the Pilots holding license at the date of the passage of this Act shall be examined and licensed, if found competent and worthy, to the number of fifteen for the Port of San Francisco, and one for Mare Island and Benicia.

Qualification

SEC. 7. No person shall be appointed a Pilot unless he is an American citizen, and over twenty-one years of age, and, before being appointed, he shall be rigidly examined by the Examiners touching his qualifications and practical knowledge of the management of square rigged and other vessels, and of the tides, soundings, bearings, and distances of the different shoals, bars, rocks, points of land, and night lights of the said harbors and bays, and if, after such examination, he shall be deemed qualified, he shall receive a license as Pilot for the term of twelve months; and the Examiners shall be required to renew the license unless cause be shown for withholding it.

Oath and bond.

SEC. 8. Every Pilot, before receiving his license, shall take the oath prescribed by the Constitution of this State, to be administered by the President of the Board, and also the oath provided to be taken by parties by the provisions of an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and shall, before entering on the discharge of his duties, give a bond in the sum of twenty-five hundred dollars, payable to the State of California, and conditioned for the faithful performance of his duties as such Pilot, with two or more sureties, which shall be approved by said Board, and when so approved shall be filed in their office. The Examiners shall require the Pilots to renew their bonds whenever they may deem it necessary.

Pilot boats.

SEC. 9. Pilots shall at all times keep boats in good condition, subject to the inspection of the Board of Examiners.

Moorage of vessels.

SEC. 10. It shall be the duty of every Pilot in charge of a vessel arriving in the harbor of San Francisco to have the vessel safely moored in such position as the master of the vessel or Harbor Master may direct.

Percentage of pilotage to be paid to Examiners.

SEC. 11. Every Pilot of the harbors of San Francisco, Mare Island, and Benicia shall once in each month render to the Pilot Examiners an account of all moneys received by him, or by any other person for him, or on his account, and shall pay five per cent on the amount thereof to the said Examiners, which shall be received by them in full compensation for their official services, for the services of their Secretary, and all the incidental expenses of their office. If any Pilot shall neglect for thirty days to render such an account, or pay over the five per cent

above specified, or if he shall render a false account of moneys so received, he may be deprived of his license.

Penalty for neglect of duty.

SEC. 12. The Examiners shall have power to suspend Pilots for misconduct or inattention to their duty, and shall have power to revoke the license of said Pilots for the causes hereinafter mentioned, upon due proof thereof as hereinafter provided.

SEC. 13. Every Pilot who shall absent himself from duty for more than one month at any one time, except upon leave granted by said Examiners, or except by reason of sickness, shall forfeit his license.

License to be exhibited.

SEC. 14. Every Pilot boarding a vessel shall, at the request of the master, exhibit his license, and if he wilfully refuse to do so he shall forfeit the same.

Penalty for intemperance.

SEC. 15. If any Pilot shall become habitually intemperate, or shall be intoxicated while in charge of any vessel as Pilot, he shall forfeit his license.

For losing a vessel.

SEC. 16. If any Pilot shall negligently, ignorantly, or wilfully run a vessel on shore, (or otherwise render her liable to injury,) he shall forfeit his license and shall be incapable ever afterwards of being licensed as a Pilot under this Act.

Complaints.

SEC. 17. When complaint is lodged with the Board of Examiners against a Pilot for misconduct or neglect of duty, it shall be reduced to writing and sworn to, as in civil cases, and said Pilot shall be notified and required to appear and answer the complaint within ten days thereafter. If upon a fair hearing of the complaint and the testimony in relation thereto, the Board of Examiners shall adjudge the complaint well founded, and that said Pilot is guilty of any of the acts herein declared as operating as a forfeiture of his license, said Board shall adjudge and declare him so guilty, and order him to be deprived of his license and revoke the same, which order shall be entered on their book of records before mentioned.

Any person not a pilot prohibited from acting as such.

SEC. 18. Any person not holding a license as Pilot approved by said Examiners, who shall pilot any vessel into or out of the harbor of San Francisco, by way of the Heads, or shall pilot any vessel from the harbor of San Francisco to Mare Island or Benicia, or from Mare Island or Benicia to the harbor of San Francisco, except such as are exempt by virtue of this Act, shall be deemed guilty of a misdemeanor, and on conviction in any Court of competent jurisdiction shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding ninety days.

Outward bound vessels.

SEC. 19. Whenever a Pilot is discharged from an outward bound vessel the pilot boat on the station shall receive such Pilot and give him all necessary aid for returning to San Francisco.

When Pilots are carried to sea.

SEC. 20. Every Pilot carried to sea against his will, when a boat is in attendance to receive him, shall be entitled to receive the sum of eight dollars per day while absent, which sum may be recovered from the master or owners of the vessel so taking him away; *provided*, the amount herein allowed to be recovered shall in no case exceed one thousand dollars.

Pilotage.

SEC. 21. The pilotage inside of the Heads to the anchorage opposite San Francisco and about the harbor, or from the harbor of San Francisco to or from Mare Island or Benicia, shall be at

such rates as shall be agreed upon between the parties, not to exceed the sum of seven dollars per foot draft.

What liable for.

SEC. 22. All vessels, their tackle, apparel, and furniture, and the master and owners thereof, shall be, jointly and severally, liable for pilotage fees, to be recovered in any Court of competent jurisdiction.

Pilot first offering service.

SEC. 23. When two or more Pilots shall offer their services to a vessel outside of a line drawn from Point Bonita to the outward Wolf Rock, inward bound, the Pilot first offering services, or one connected with the same boat, shall have preference; and if the master of any vessel shall refuse to observe such rule of preference, and to take the Pilot entitled to be preferred on board, the vessel, her appurtenances, the master, and owner thereof shall be, jointly and severally, liable to the Pilot entitled to such preference for one half the amount of pilotage he would have been entitled to claim had his services been accepted.

Rates of pilotage.

SEC. 24. The following shall be the rates of pilotage into or out of the harbor of San Francisco:

All vessels under five hundred tons, six dollars per foot draft;

All vessels over five hundred tons, seven dollars per foot draft, and four cents per ton for each and every ton of registered measurement;

All vessels engaged in the whaling trade, one dollar per foot draft;

When a vessel is spoken and the services of a pilot is declined, one half of the rates shall be paid;

All Government vessels, ten dollars per foot draft;

Vessels exempt.

All vessels coasting between ports of this State and any port or ports of Oregon or Washington Territory, registered in this State, and all vessels coasting between ports of this State, shall be exempt from all pilot charges unless a Pilot be actually employed.

Vessels in tow of steam tug.

SEC. 25. When any vessel is in tow of a steam tug, outward bound, or between the Bay of San Francisco and Benicia and Mare Island, said vessel shall not be liable for pilotage except a Pilot be actually employed.

Acts repealed.

SEC. 26. All Acts heretofore passed in relation to Pilots and pilot regulations for the Ports and Harbors of San Francisco, Mare Island, and Benicia, are hereby repealed.

SEC. 27. This Act shall take effect from and after its passage, except section seven, which section shall not take effect or be in force until twenty days from the passage of this Act.

CHAP. CCCXLVI.—*An Act for the election of County Officers of Mono County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On the first Monday of June next, A. D. eighteen hundred and sixty-four, there shall be held in the County of Mono, in the several precincts of said county, a special election for the office of Sheriff, County Clerk, and three Supervisors. The Board of Supervisors shall give ten days notice of said election, in the form prescribed by law. Election of officers.

SEC. 2. The officers elected pursuant to this Act shall hold their office until the next general election, or until their successors are elected and qualified. Terms.

SEC. 3. The general laws of this State shall govern said election, so far as applicable; and this Act shall take effect on and after its passage.

CHAP. CCCXLVII.—*An Act supplemental to an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said City.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Council of the City of Oakland shall have power to prohibit or suppress the erection of slaughter-houses or the slaughtering of animals within the limits of the city, and also to prohibit or suppress the erection or carrying on of any soap or glue factory, or tan yard, or powder magazine, or other nuisance, within the limits of said city. Nuisances within city limits.

SEC. 2. The Council of the City of Oakland shall have authority to erect public buildings for municipal purposes upon one of the public squares of said city; *provided*, the location of such buildings shall first be indicated by the legal voters of the city at an election, to be called by the City Council, which may be held for that purpose, and in such election the locality receiving a plurality of the votes cast, provided it be a public square, shall be the place for the erection of said buildings, and said election shall be held in conformity with the laws regulating elections. Buildings for municipal purposes.

SEC. 3. The Council of the City of Oakland shall have power, by ordinance, to regulate the use of hacks, carriages, drays, carts, and wagons within said city, also to issue licenses for the use thereof, with the power to fix the rates and time of issue Licenses

thereof, and to prescribe the penalty for the non-compliance with such ordinance or ordinances.

Election of Justice of the Peace.

SEC. 4. There shall be elected at the annual charter election in said City of Oakland one Justice of the Peace, who shall hold his office for the term of one year, and until his successor is elected and qualified. Said Justice shall have such powers within said city as Justices of the Peace have within the County of Alameda, and shall receive the same fees. Said Justice, before entering upon the duties of his office, shall give a bond to The People of the State in the sum of two thousand dollars, with two or more sureties, to be approved by the Mayor of said city.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCXLVIII.—*An Act to amend Section Three Hundred and Forty-Three of the Act entitled an Act to regulate Proceedings in Criminal Cases, passed May first, one thousand eight hundred and fifty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and forty-three of the Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Peremptory challenges.

Section 343. If the offence charged be punishable with death, or with imprisonment in a State Prison for life, the defendant shall be entitled to ten and the State to five peremptory challenges; on a trial for any other offence, the defendant shall be entitled to five and the State to three peremptory challenges.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXLIX.—*An Act amendatory of and supplemental to an Act to tax Foreign Insurance Companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Application of former Act.

SECTION 1. The Act to which this is supplemental shall not be deemed to apply to any individual or association of individuals residing in this State who are or may be engaged in the business of insurance or underwriting for themselves as insurers, and not as Agents for others.

CHAP. CCCL.—*An Act concerning the Offices of Clerk and Recorder.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all of the counties of this State the County Clerk shall, ex officio, be County Recorder and perform the duties and be subject to all the liabilities of Recorder, expect [except] in those counties where the office of Clerk and Recorder were separated by law previous to the passage of the Act approved April twenty-second, eighteen hundred and sixty-three, entitled an Act concerning offices, and so much of said Act as provides for the election of Recorder in counties where the Clerk was ex officio Recorder previous to the passage of said Act is hereby repealed. The provisions of this Act shall not apply to the counties of Monterey, Santa Clara, Del Norte, or Napa. County Clerk to be ex officio Recorder. Exceptions.

SEC. 2. This Act take effect and be in force from and after its passage.

CHAP. CCCLI.—*An Act to change and fix the time of holding the Probate Court in the County of San Bernardino.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Probate Court of the County of San Bernardino shall be held on the fourth Monday of each month, and continue until all the business is completed. Time fixed.

SEC. 2. All Acts and parts of Acts inconsistent with the foregoing are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCLII.—*An Act to appropriate Money to pay the Claim of I. and S. Wormser, assignees of T. A. Levison.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seventy-five dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claim of I. and S. Wormser, assignees of T. A. Levison, for services rendered by said T. A. Levison in the Quartermaster's Department, in the month of July, A. D. eighteen hundred and sixty-one, and the Controller of State is Appropriation.

hereby authorized to draw his warrant in favor of I. and S. Wormser for the above amount of seventy-five dollars on the Treasurer, and the Treasurer is hereby authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLIII.—*An Act supplementary to an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the Militia of this State, approved April twenty-fourth, one thousand eight hundred and sixty-two, approved April twenty-fifth, one thousand eight hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Military Encampments.

SECTION 1. It shall not be necessary for the Commander-in-Chief to order the encampment of military instruction or the encampment of the organized militia of this State, as required by the provisions of the Act to which this is supplementary, unless in his discretion the same be necessary.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLIV.—*An Act to authorize the issuance of a Duplicate of a certain School Land Warrant to Hans Rohner.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duplicate authorized.

SECTION 1. The Controller of State is hereby authorized and directed to issue to Hans Rohner, of Solano County, a duplicate of School Land Warrant numbered Two Hundred and Seventy-Three, for three hundred and twenty acres of land; and such duplicate warrant thus issued shall have the same force and effect as the original warrant had previous to its cancellation—said original being now cancelled and filed in the office of the Register of the State Land Office.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLV.—*An Act supplemental to and amendatory of the Act entitled an Act for the Education and Care of the Indigent Deaf, Dumb, and Blind in the State of California, approved April eighteenth, eighteen hundred and sixty, and an Act supplemental thereto, approved March twenty-ninth, eighteen hundred and sixty-one, and an Act to provide Bonds for Completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Messrs. George Tait, J. A. Benton, Ira P. Rankin, H. P. Coon, and B. H. Randolph, are hereby constituted and appointed a Board of Trustees for the State Deaf, Dumb, and Blind Asylum, whose term of office shall be for two years, and until their successors are appointed and qualified. Board of Trustees.

SEC. 2. The appropriation of seventy-five thousand dollars, made by the Act entitled an Act to provide bonds for completing the Deaf, Dumb, and Blind Asylum, approved April twenty-seventh, eighteen hundred and sixty-three, and the issuance of the bonds therein mentioned, are hereby suspended until the further action of the Legislature. Issuance of bonds suspended.

SEC. 3. This Act shall take effect immediately after its passage.

CHAP. CCCLVI.—*An Act to audit and allow a certain Claim.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of Henry Johnson, for seven hundred and eleven dollars for expenses incurred by him for boat hire and law expenses while acting as Stamp Inspector in the City and County of San Francisco during the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty, is hereby audited and allowed. The sum of seven hundred and eleven dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay the above claim, and the Controller of State is hereby authorized and required to draw his warrant therefor in favor of the said Henry Johnson, and the Treasurer is authorized to pay the same. Appropriation.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLVII.—*An Act amendatory of an Act to authorize D. B. Northrup, Horace Cole, and E. B. Goddard, and their associates, to construct a Plank Road or Bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commencement and terminus of bridge.

SECTION 1. The grantees in the Acts to which this is amendatory are hereby granted the right to construct or build the plank road or bridge therein named, from or near the foot of Kentucky street, in the City and County of San Francisco, to or near the foot of Fourth street, in said city and county.

Extension granted.

SEC. 2. Said grantees shall have the right to extend their said plank road on the line of Kentucky street in a southerly direction across the arm of the Bay of San Francisco into which Islais Creek empties, and to build a bridge across the same, upon the same terms and conditions as in the Acts to which this is amendatory as provided; *provided*, that said grantees shall have two years from the date of the passage of this Act in which to complete the extension provided for in this section.

SEC. 3. This Act shall not take effect until it be approved by an order of the Board of Supervisors of the City and County of San Francisco.

CHAP. CCCLVIII.—*An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, approved April twentieth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of said Act is hereby amended so as to read as follows:

Number of districts.

Section 14. The State shall be divided by law into fifteen Judicial Districts.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLIX.—*An Act to preserve and secure the Rights of Parties which existed on the thirty-first day of December, eighteen hundred and sixty-three, under and by virtue of the laws then existing and in force concerning Forcible Entries and Unlawful Detainers.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any and all statutes which existed and were in force on the thirty-first day of December, A. D. eighteen hundred and sixty-three, concerning forcible entries and unlawful detainers, or unlawful entries and unlawful or forcible detainers, are hereby revived, and shall continue in full force and effect as to any act done, or right accrued or established, or cause of action which existed, and as to any suit or proceeding upon or for the same pending or in judgment on the said thirty-first day of December, A. D. eighteen hundred and sixty-three, except that the imposition of a fine or trebling of damages is not authorized by this Act; *provided*, that the County Courts shall have and exercise full jurisdiction in such cases. Acts revived.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLX.—*An Act in relation to Proceedings in certain Suits.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All actions for the collection of taxes on real estate, where an order of sale of real estate is sought by the plaintiff and claimed in the complaint, shall be cognizable in the District Court of the proper county, and such District Court shall proceed to hear and determine all questions arising in such actions according to the course of proceedings in Court of Equity, except as herein and in the several statutes relating thereto otherwise expressly provided. In all such actions where the summons shall be served by publication, or by posting copy of summons and publication of notice, and no answer shall be filed within forty days after the expiration of the eight weeks publication, and in cases where service is otherwise made, and no answer is made within the time prescribed by law, default shall be deemed made by the defendants, and without entry thereof by the Clerk the cause shall be deemed referred upon the plaintiffs' motion, without entry of such motion or any order so [to] the Court Commissioner, who shall ascertain the amount of taxes due thereon, and also the dues of each officer, and report, by drafting a form of decree in the decree book, specifying therein the amount of taxes due, the amount of Attorneys' fees, and the gross amount of all other costs, which form, when signed by the Proceedings

Judge, either in term or in Chambers, shall be and remain the judgment of the Court; and without further entry or proceedings such decree shall also have the force and effect of a docket entry thereof, and a copy thereof, duly certified by the Clerk, shall authorize the Sheriff to sell the property therein described according to the exigencies thereof; and such copy, when executed and returned by the Sheriff, shall be filed with the other papers as a part of the judgment roll, and no other copy shall be necessary, and it shall not be necessary that any findings be filed, nor that the decree state or recite any matter of fact, but a recital that all owners and claimants of the property have been duly summoned to answer the complaint, and have made default, shall be proof of those facts.

Blank books for tax suits

SEC. 2. The several District Courts of this State may, by order, direct the Clerk to procure for the use of the Court, to be used in tax suits, the following blank books:

First—An index book;
Second—A register of actions;
Third—An order book; and
Fourth—A decree book.

And in each county where such books are so ordered, all actions for taxes commenced after the first day of January, eighteen hundred and sixty-four, shall be indexed and registered, and the decrees entered in such books apart from other cases. But it shall not be necessary to index or register any name declared in the complaint to be fictitious, unless the defendant shall appear in the action, in which case the true name shall be indexed and registered.

Custodian of

SEC. 3. The County Clerk shall be the proper custodian of such books, except that the Court Commissioner and District Attorney may be allowed to take and retain the decree book sufficient time to enter thereon the different decrees. Such cases may be numbered in a series apart from other actions, in the order of their commencement; and it shall be the duty of the District Attorney, on the commencement of each action, to place such number on the delinquent list opposite the name of the defendant or the property sued.

Transfer of certain actions.

SEC. 4. All actions for the collection of taxes upon real estate or improvements wherein judgments containing an order of sale have been rendered prior to January first, eighteen hundred and sixty-four, by a Justice of the Peace, and remain unsatisfied, may be transferred to the District Court by filing with the County Clerk a copy of such judgment, certified by the Justice of the Peace having possession of the docket; and all such actions wherein a transcript of the judgment has heretofore been filed with the County Clerk are hereby transferred to the District Court in the county where such transcript is filed. And all cases transferred in pursuance of the provisions of this section shall be deemed to be and shall be suits in the District Court, and the District Court shall have the same power in such suits, and may enforce the judgment in the same manner, as if the suit had been commenced and the judgment rendered in the District Court. The Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, and

the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and all the amendments of said Acts, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to proceedings under this Act.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXI.—*An Act to pay the claim of E. C. Palmer for Rent and Stationery.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and twenty-seven dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to pay the claim of E. C. Palmer, for rent and stationery, paid on account of State Land Commission, organized under the Act of May, eighteen hundred and fifty-five, and the Controller of State is hereby authorized and directed to draw his warrant for one hundred and twenty-seven dollars in favor of E. C. Palmer, and the Treasurer of State to pay the same. Appropriation.

CHAP. CCCLXII.—*An Act supplementary to an Act entitled an Act to fund the Indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County of Calaveras is hereby authorized to fund any or the entire portion of its indebtedness contracted since the passage of the Act to which this Act is supplementary and before the passage of this Act, and to that end the Board of Supervisors and the other officers of said county shall have and exercise all the powers and perform all the duties conferred upon and required of them by the Act to which this Act is supplementary, to be exercised and performed by them as in said Act required; *provided*, that the amount so authorized to be funded, when added to the bonds already issued, shall not exceed the amount of bonds authorized to be issued by said Act. Indebtedness funded

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXIII.—*An Act to amend an Act entitled an Act to authorize the sale of certain Real Estate by Guardians, approved April tenth, eighteen hundred and sixty.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Sections of a former Act made applicable to this

Section 2. Sections second, third, and fourth of an Act entitled an Act to authorize the sale of certain real estate by Guardians, approved March twenty-eighth, one thousand eight hundred and fifty-nine, are hereby declared to be made applicable to this Act in all matters not herein provided for; *provided*, that the word "Solano," where it occurs in said sections, shall be substituted by the word "San Diego."

SEC. 2. This Act shall go into effect from and after its passage.

CHAP. CCCLXIV.—*An Act concerning Assessments upon the Stock of Corporations.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Trustees may levy assessments.

SECTION 1. The Trustees of any corporation formed under the general laws of this State shall have power to levy and collect, for the purpose of paying the proper and legal expenses of such corporation, assessments upon the capital stock thereof, in the manner and form and to the extent hereinafter provided, and not otherwise.

Limitation.

SEC. 2. No assessments shall exceed five per cent of the capital stock of the corporation, and none shall be levied while any portion of any previous assessment shall remain unpaid or uncollected, except in cases where all the powers of the corporation shall have been exercised in accordance with the terms of this Act for the purpose of collecting such previous assessment, and except, also, the collection of a previous assessment against one or more stockholders restrained by injunction or otherwise, in which case further assessment may be levied and collected according to this Act.

How levied.

SEC. 3. No assessment shall be levied except by order of the Board of Trustees, concurred in by a majority of said Board, and entered upon the records of the corporation.

SEC. 4. Every order levying an assessment shall specify the amount thereof and the time when the person or persons to whom and the place or places where the same is payable. It shall also appoint a day for the advertisement of the delinquent list, which shall not be less than thirty nor more than thirty-five days from the time of the making of such order, and a day for the sale of delinquent stock, which shall not be less than ten nor more than twenty days from the time appointed for the advertisement of the delinquent list. How levied.

SEC. 5. Upon the making of such an order the Secretary shall cause to be published immediately a notice thereof in the following form: Notice of.

"(Name in full. Location of works.) Notice is hereby given that at a meeting of the Trustees of said company, held on the (date), an assessment of (amount) per share was levied upon the capital stock of said company, payable (when, to whom, and where, particularly). Any stock upon which said assessment shall remain unpaid on the (day fixed) will be advertised on that day as delinquent, and unless payment shall be made before, will be sold on the (day appointed), to pay the delinquent assessment, together with costs of advertising and expenses of the sale. (Signature of the Secretary, with particular location of office)."

SEC. 6. Said notice shall be published once each week for four successive weeks in some daily or weekly paper published at the place designated in the articles of corporation as the principal place of business of the corporation, and also in some paper published in the county in which the works of the corporation are situated, if a paper be published therein; *provided*, that if the works of the corporation are not situated within some State or Territory of the United States, then publication in a paper of the county shall not be necessary; and, *provided*, also, that if there is no paper regularly issued on Saturdays at any place where publication is required to be made, the notice may be published in every issue of the paper which is most frequently issued at such place, for the full period of four weeks; and, *provided*, also, that if there is no newspaper published at the place designated as the principal place of business of the corporation, then the publication shall be made in the newspaper puplished nearest thereto; and, *provided*, also, that the notice specified in the fifth section of this Act may be served by delivering a copy thereof, certified by the Secretary, to each stockholder personally, and in case of such service upon all the stockholders of said corporation, then no notice by publication shall be necessary, and such personal notice shall be deemed complete. Publication of notice.

SEC. 7. If any portion of the assessment mentioned in said notice shall remain unpaid on the day specified therein for the publication of the notice of sale, the Secretary shall, unless otherwise ordered by the Board of Trustees, cause to be published in the same papers in which the notice provided for in section five shall have been published, a notice substantially in the following form: Delinquent assessments.

Notice of sale of stock for payment of.

"(Name in full. Location of works.) NOTICE.—There is delinquent upon the following described stock, on account of assessment levied on the (date,) (and assessments levied previous thereto, if any,) the several amounts set opposite the names of the respective shareholders, as follows:

Names.	Number of Certificates.	Number of Shares.	Amount.

And in accordance with law, (and an order of the Board of Trustees, made on the (date,) if any such order shall have been made,) so many shares of each parcel of said stock as may be necessary, will be sold at the (particular place,) on the (date,) at (the hour) of said day, to pay said delinquent assessments thereon, together with costs of advertising and expenses of the sale. (Name of Secretary, with particular location of office)."

What notice shall state.

SEC. 8. Said last named notice shall state every certificate of stock separately, with the number of shares which it represents, and the amount due thereon, except where certificates may not have been issued to parties entitled thereto, in which case the number of shares and the amount due thereon, together with the fact that the certificates for such shares have not been issued, shall be stated.

How published.

SEC. 9. Said notice, when published in a daily or weekly paper, or in both, shall be published as follows: when published in a daily paper, the same shall be published for a period of ten days, excluding Sundays and holidays, previous to the day of sale. When published in a weekly paper, the same shall be published for two weeks previous to the day of sale, the first publication in the weekly being at least fourteen days prior to the day of sale.

Jurisdiction acquired.

SEC. 10. By the publication of the said notices as hereinbefore provided the corporation shall acquire jurisdiction to sell and convey a full, complete, perfect, and absolute title to all of the stock described in the notice of sale upon which any portion of the assessment or costs of advertising shall remain unpaid at the hour appointed for the sale, but shall sell no more of such stock than is necessary to pay the assessments due and cost of sale.

Sale to be by public auction.

SEC. 11. On the day and at the place and as nearly as may be at the hour appointed in the notice of sale, the Secretary shall, unless otherwise ordered by the Board of Trustees, sell or cause to be sold at public auction, to the highest bidder for cash, so many shares of each parcel of said described stock as may be necessary to pay the assessment and charges thereon, according to the terms of said notice of sale; *provided*, that if payment be made before the time fixed for sale the party paying shall only be required to pay the actual cost of advertising.

Highest bidder.

SEC. 12. The person offering at such sale to pay the assessment and costs for the smallest number of shares or fraction of a share, shall be deemed the highest bidder.

SEC. 13. The times fixed in any notice published according to the provisions [of this Act] may be once extended for a period

of not more than ten days by order of the Board of Trustees duly made and entered on the records of the corporation, but no order extending the time for the performance of any act specified in any notice shall be effectual unless notice of such extension or postponement be appended to and published with the notice to which [the] order relates before the completion of the regular course of publication thereof. Extensions, how made.

SEC. 14. No assessment duly levied shall be rendered invalid by a failure to make proper publication of the notices hereinbefore provided for, nor by the non-performance of any act required to be performed in order to enforce the payment of the same, but in case of any substantial error or omission in the course of proceedings for collection, all previous proceedings, except the levying of the assessment, shall be void, and publication shall be begun anew. Errors or omissions.

SEC. 15. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; *provided*, that such repeal shall not affect proceedings commenced for the collection of assessments heretofore levied, but all such assessments may be collected in accordance with the provisions of the laws then in force. Acts repealed.

SEC. 16. This Act shall take effect immediately.

CHAP. CCCLXV.—*An Act to provide for the construction of a Macadamized Road in the City and County of San Francisco, and for the collection of tolls thereon.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to W. H. Ladd and his associates, or their assigns, to construct and maintain a macadamized road from the foot of the road leading from the building in the City and County of San Francisco known as the Cliff House, to the ocean beach, as running along said ocean beach southwardly, above high water mark, to the road leading from the ocean beach to the building known as the Ocean House, in said city and county, and to collect tolls thereon as follows: Franchise.

For each vehicle drawn by four or more horses, fifty cents.

For each vehicle drawn by one or two horses, twenty-five cents.

For a single horse and rider, twelve and one half cents.

Provided, that the rights herein granted shall cease and determine at the end of ten years from the time of the completion of said road, at which time the road shall become a public highway subject to the control of the city and county aforesaid; *provided*, further, that the rights granted in this Act shall not accrue until it shall have been approved of by the Board of Supervisors of the City and County of San Francisco.

SEC. 2. Within three months after the approval of this Act by the Board of Supervisors of the City and County of San Francisco, said W. H. Ladd and his associates or assigns shall Commencement and completion of road.

commence the construction of the road herein provided for, and within six months from the date of the approval herein mentioned they must have said macadamized road built and completed throughout its entire length, and it shall be at least twenty-five feet in width. Any failure to meet the requirements of this section shall work a forfeiture of the rights granted by section one of this Act; and each attempt of said W. H. Ladd, his associates or assigns, to occupy the line of said road after the failure herein mentioned shall be deemed a misdemeanor and punished as such on due conviction thereof.

Parallel roads.

SEC. 3. No other person or persons shall have the right to construct a toll road parallel with the line of the road as before mentioned in this Act within one mile thereof, unless on the same terms and under the same restrictions provided in this Act.

Construction of Act.

SEC. 4. Nothing in this Act shall be so construed as to authorize the parties herein named, their associates or assigns, to so construct said road as to interfere in any manner with the present free access of the public to the ocean beach from the Cliff House or Ocean House roads; and any attempt by the owners of said road, or their Agents, to obstruct such free access in any manner, or interfere with the present drive along the beach so that it shall be less desirable than at present, shall be considered a misdemeanor, and be punished accordingly on conviction of the parties so engaged. The second conviction for such misdemeanor shall be punished by a forfeiture of the franchise herein granted, which shall thereupon revert to the City and County of San Francisco. Nothing in this Act contained shall authorize the occupation, appropriation, or obstruction, in any manner whatsoever, of any road on or near the sea beach now in general use, or any part thereof, or the occupation of any part of the sea beach now generally used as a highway or public road; *provided*, that if from any artificial cause the natural beach is so obstructed as to prevent travel thereon, parties may travel over said road without paying toll.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCLXVI.—*An Act to fix the Compensation of Officers, to provide for Funding the Floating Debt of the County of Santa Barbara, and prohibit the contracting of any new Indebtedness against said County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Funding of indebtedness authorized.

SECTION 1. The Board of Supervisors of the County of Santa Barbara is hereby authorized to fund all outstanding indebtedness of the County of Santa Barbara which shall have accrued prior to the first day of July, in the year of our Lord one thousand eight hundred and sixty-four, and standing in the shape of warrants legally drawn by the Auditor of said county on the Treasurer thereof and then remaining unpaid, and all accounts,

audited or unaudited, payable out of what is known as the "County General Fund," by issuing bonds in payment thereof, payable in twenty years from said first day of July, one thousand eight hundred and sixty-four, bearing interest at the rate of seven per cent, payable annually, to be issued in accordance with this Act.

Bonds to be issued.

SEC. 2. On or before the first day of July, A. D. one thousand eight hundred and sixty-four, the Board of Supervisors of said county shall cause bonds for said indebtedness to be prepared, of the denomination of one hundred and five hundred dollars, each. Every holder of county warrants legally issued or drawn in due form of law, or indebtedness of the county which shall have accrued prior to the first day of July, A. D. one thousand eight hundred and sixty-four, may present the same to said Board of Supervisors within six months from and after the first day of July, one thousand eight hundred and sixty-four, in order that the same be cancelled, and bonds to the amount of such warrants, with interest thereon, issued in lieu thereof to the holder. It shall be the duty of said Board of Supervisors to issue bonds for said warrants, said bonds to be styled "Bonds of Santa Barbara County," and shall be signed by the Chairman and Clerk of said Board of Supervisors, and countersigned by the Treasurer of said county, and shall have the seal of the Auditor of said county stamped thereon, and shall also have coupons attached for the interest in such manner as to be removed without mutilating the bonds. The first coupon shall be for the interest accrued up to the first day of January, A. D. eighteen hundred and sixty-five, and the others for one year's interest, each, thereafter, consecutively numbered, which coupons shall also be signed in like manner as the bonds. The warrants for which bonds shall be issued shall be cancelled immediately after issuing bonds therefor.

Special tax levied

SEC. 3. For the purpose of paying the interest on the bonds issued pursuant to the provisions of this Act, and also to constitute a Sinking Fund for the redemption of the same, it shall be the duty of the Board of Supervisors of said county to cause to be annually levied and collected a special tax on all real and personal property within said county, of thirty-five cents on each one hundred dollars valuation of such real and personal property, such tax to be assessed and collected in the legal gold and silver coin of the United States, at the same time and in like manner as are assessed and collected State and county taxes for other purposes, and the amount of taxes so collected shall be applied solely to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act until the same shall be fully paid.

Interest.

SEC. 4. The interest on said bonds shall be paid at the Treasurer's office of said county on the first Monday of January, A. D. eighteen hundred and sixty-five, and thereafter the first Monday of January of each year.

Record of bonds.

SEC. 5. It shall be the duty of the County Treasurer and Clerk of the Board of Supervisors of said county, each, to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, the amount of each, and to whom issued.

Redemption of bonds.

SEC. 6. On the first day of January of each year, when there shall be as much as five hundred dollars, collected under the provisions of this Act, over and above the interest due on all bonds issued, it shall be the duty of the County Treasurer to advertise in some public newspaper in said county, if there be one, and if not, by posting notices at three public places in said county, one of which shall be the Court-house of said county, and by publication in some newspaper in the City and County of San Francisco, for thirty days, stating the amount of such surplus in the Sinking Fund, and inviting bids at his office, on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. On that day, and at the hour named in such notice, the bidding shall take place, and shall be public, and it shall be the duty of the Treasurer to accept such bids and in such amounts the terms of which shall be more advantageous to the county, and which will redeem the greatest amount of bonds with such surplus, which surplus shall be applied to the redemption of such bonds for which bids are accepted, and the bonds taken up and cancelled. No bid shall be received at a higher rate than principal and interest.

Expense of preparing bonds.

SEC. 7. All necessary expenses attending the printing and preparation of said bonds shall be paid out of the Fund for Current Expenses, or if no moneys be in said Fund, then out of any moneys in the County Treasury, except those belonging to the Funded Debt Fund.

Creation of debt prohibited.

SEC. 8. Except the funded debts herein and heretofore authorized and created, neither the Board of Supervisors nor any officer or authority shall have power to contract any debt against the County of Santa Barbara, and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, or of any claims against the county, except such legal and proper expenses thereof as shall accrue after the commencement of the fiscal year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one fiscal year shall ever be applied towards the payment of any expenses, debt, or liability, incurred during any preceding fiscal year. It is, moreover, declared that the fiscal year commences on the first day of July, and ends on the thirtieth day of June.

Compensation of officers.

SEC. 9. The County Clerk of the County of Santa Barbara shall hereafter receive for all services required of him by law for which such county is chargeable, as such Clerk, or as Auditor, Recorder, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, or in any other way by virtue of his office, or any of his ex officio offices, the sum of six hundred dollars per annum, to be paid quarterly out of the County Treasury, and in no case whatever shall he be allowed any other fee or compensation for any service rendered for or in behalf of the county by virtue of his said office or offices and the requirements of law, except the aforesaid sum of six hundred dollars per annum. The fees of the Sheriff and Constables in said county for services in criminal cases properly chargeable to said county, shall be the same as are now allowed to them by law; but in no event shall the

fees or compensation of the Sheriff, together with his Deputies, for services by him or them rendered for the county or the people of the State, properly chargeable and charged to said county, except for the keeping of prisoners, ever exceed the sum of one thousand dollars per annum, nor shall the fees of any Constable, for like services, exceed the sum of two hundred dollars per annum. The Sheriff of said county, as Tax Collector, shall be allowed for all services required of him by law in collecting and paying over the State and county taxes, three per cent on all moneys collected and paid over. The Assessor of said county shall receive for all services required by law, as well for those performed in person as for those performed by Deputy, the sum of five hundred dollars, payable at the time and in the manner that the Assessor's compensation is now payable by law. The County Judge of said county shall receive for his salary the sum of one thousand dollars per annum, payable quarterly out of the County Treasury, from and after the expiration of the term of the present incumbent. The Superintendent of Public Schools of said county shall receive for his salary the sum of two hundred dollars per annum, payable quarterly out of the County Treasury. No Justice of the Peace shall receive out of the County Treasury of said county, for services in criminal cases legally chargeable to said county, a greater sum than two hundred dollars per annum. No allowance whatever shall be made and no fee or compensation shall be paid out of the County Treasury of the said county for any services rendered by any person or persons as grand jurors, trial jurors, witnesses, or interpreters in any criminal case whatever.

SEC. 10. No other or additional or greater compensation than as hereinbefore specified shall be allowed and paid out of the County Treasury to any county officer whose compensation is fixed by this Act, for any official services whatsoever.

Maximum of county tax.

SEC. 11. In the present year, and each year hereafter, the Board of Supervisors of the County of Santa Barbara shall have power to levy and collect for the various county purposes and expenditures such amounts as they may deem necessary, not exceeding the following rates on each one hundred dollars valuation of all property, real and personal, in the county, namely: For County General Fund, eighty cents; for School Fund, ten cents; for Hospital Fund, five cents; for Road Fund, five cents; for Interest and Sinking Fund of the funded debts of eighteen hundred and fifty-nine and eighteen hundred and sixty-four, seventy cents. And for the present year the taxes may be levied at any time within sixty days after the passage of this Act.

Surplus moneys.

SEC. 12. All the surplus moneys remaining in the Treasury at the end of each fiscal year, after the payment of all lawful demands upon the Treasury for that year, shall be added to the Sinking Funds, and used, under the direction of the Board of Supervisors, for the redemption of the bonds of the county issued under this Act, and the Act of April eleventh, eighteen hundred and fifty-nine; and the lowest bids offered for surren-

der of bonds, after due public notice given as required by law, shall in all cases be accepted.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXVII.—*An Act to appropriate Money for Deficiencies in the Appropriations for the Fifteenth Session of the Legislature.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, for the following purposes, viz: The sum of three thousand dollars for contingent expenses of the Senate, and the sum of two thousand dollars for contingent expenses of the Assembly for the fifteenth session of the Legislature. This Act is hereby exempted from the provisions of an Act entitled an Act to create a Board of Examiners, etc., approved April twenty-first, one thousand eight hundred and fifty-eight.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXVIII.—*An Act to appropriate Money to pay for Remounting a Battery of Guns.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of three thousand dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to defray the expense of refitting and remounting a certain battery of seven guns issued to this State by the United States, the carriages of which were destroyed by fire at the City of Sacramento, on the fourteenth day of March, eighteen hundred and sixty-four; and the Controller of State is hereby authorized and required to draw his warrant or warrants in such sums as may be certified to him by the Board of Examiners, not exceeding in the aggregate the said sum of three thousand dollars, and the Treasurer is hereby required to pay the same, for the purpose of defraying the expenses above mentioned.

Duty of Governor.

SEC. 2. The Governor and Adjutant-General are hereby authorized and required to cause the work of refitting and remounting said battery to be executed and completed as speedily as possible; *provided*, that if any of said pieces, upon inspection,

prove to be unserviceable, the same shall not be remounted; and, *provided*, that the whole expense thereof shall not exceed the sum herein appropriated for that purpose.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCLXIX.—*An Act making Appropriations for the Support of the Civil Government of this State for the Sixteenth and Seventeenth Fiscal Years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-six.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the support of the civil government of this State for the sixteenth and seventeenth fiscal years, commencing on the first day of July, A. D. eighteen hundred and sixty-four, and ending on the thirtieth day of June, eighteen hundred and sixty-six, inclusive: Appropriation for 16th and 17th fiscal years.

For salary of Governor, fourteen thousand dollars. Governor.

For rent of Governor's office, eighteen hundred dollars.

For pay of Porter in the office of Governor, six hundred dollars.

For salary of Private Secretary of Governor, four thousand eight hundred dollars.

For salary of Clerk in the Executive Department, three thousand six hundred dollars.

For Special Contingent Fund of the Governor's office, to be drawn at his discretion, ten thousand dollars; *provided*, that this amount shall be used for a Secret Service Fund, at the discretion of the Governor, and for no other purpose whatever; *provided*, further, that the Governor shall account for the disbursement of the same to the Senate at the next session of the Legislature.

For pay of rewards which may be offered by the Governor under the Act of April twenty-ninth, eighteen hundred and fifty-one, a sum not exceeding six thousand dollars.

For arresting criminals without the limits of this State, two thousand dollars, to be expended under the direction of the Governor.

For postage, expressage, and telegraphing, in Governor's office, one thousand dollars.

For salary of Secretary of State, eight thousand dollars. Secretary of State.

For salary of Clerks in the office of Secretary of State, seven thousand two hundred dollars.

For salary of Stamp Clerk in the office of Secretary of State, four thousand eight hundred dollars.

For postage in office of Secretary of State, twelve hundred dollars.

For copying and indexing laws in the office of Secretary of State, four hundred and fifty dollars.

For transportation of documents and books ordered to be distributed, two thousand six hundred dollars.

For pay of Porter in office of Secretary of State, four hundred dollars.

For stationery, blank books, light, fuel, etc., for the Legislature and State officers, twenty-four thousand dollars; said amount to be used for no other purpose by the Secretary of State, and no Clerk shall receive his salary out of said fund.

For contingent expenses in the office of Secretary of State, three hundred dollars.

Controller. For salary of Controller of State, eight thousand dollars.

For salary of Deputy Controller, three thousand six hundred dollars.

For salary of Clerks in the office of Controller of State, thirteen thousand dollars.

For salary of Stamp Clerk in the office of Controller of State, four thousand eight hundred dollars.

For pay of Porter in the office of Controller of State, four hundred dollars.

For prosecution of delinquents and for infractions of the revenue law, two thousand dollars, to be expended under the direction of the Controller of State.

For postage and expressage in the office of the Controller of State, four thousand four hundred dollars.

For contingent expenses in the office of Controller of State, three hundred dollars.

Treasurer. For salary of State Treasurer, eight thousand dollars.

For salary of Clerks in the office of the Treasurer of State, seven thousand two hundred dollars.

For salary of Watchman in the office of the Treasurer of State, two thousand four hundred dollars.

For pay of Porter in the office of the Treasurer of State, four hundred dollars.

For postage and contingent expenses in the Treasurer's office, four hundred dollars.

Attorney-General. For salary of Attorney-General, eight thousand dollars.

For rent of office and porterage for Attorney-General, nine hundred and sixty dollars.

For costs and expenses of suits where the State is a party in interest, four thousand dollars, to be expended under the direction of the Attorney-General.

For salary of Clerk and expenses in the office of the Attorney-General, three thousand six hundred dollars.

Superintendent of Public Instruction. For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Clerk in the office of Superintendent of Public Instruction, three thousand six hundred dollars.

For rent of office for Superintendent of Public Instruction, one thousand dollars.

For postage and expressage for Superintendent of Public Instruction, sixteen hundred dollars.

For stationery, light, and fuel, for the office of the Superintendent of Public Instruction, four hundred dollars.

For Contingent Fund of Superintendent of Public Instruction, five hundred dollars.

For travelling expenses of Superintendent of Public Instruction, two thousand dollars.

Surveyor-General.

For salary of Surveyor-General, four thousand dollars.

For salary of Clerk in the office of the Surveyor-General, three thousand six hundred dollars.

For postage and expressage for Surveyor-General's office, five hundred dollars.

For salary of Register of State Land office, four thousand dollars.

For binding books and contingent expenses in Surveyor-General's office, two hundred and fifty dollars

For the purchase of maps and plats of townships from United States Surveyor-General, five hundred dollars; and for copying the same for use of County Surveyors and State Locating Agents, five hundred dollars.

For Salary of Clerk and Draughtsman in State Land office, eight thousand four hundred dollars.

For rent of office for Surveyor-General and Land Office, one thousand three hundred and twenty dollars.

For postage and expressage in the State Land Office, five hundred dollars.

For salaries of Porter in State Land office and in Surveyor-General's office, each, three hundred dollars.

For binding books, and contingent expenses in State Land office, two hundred and fifty dollars.

State Librarian.

For salary of State Librarian, five thousand dollars.

For pay of Porter for State Library Rooms, two thousand four hundred dollars.

For postage and expressage for State Library, four hundred dollars.

Board of Examiners.

For pay of Clerk of Board of Examiners, twelve hundred dollars.

For pay of Expert to Board of Examiners, twelve hundred dollars.

For contingent expenses of Board of Examiners, four hundred dollars.

Insane Asylum.

For salary of Resident Physician of the Insane Asylum, eight thousand two hundred and eight dollars and thirty-four cents.

For salary of Assistant Physician of the Insane Asylum, five thousand four hundred and two dollars and seventy-five cents.

Supreme Court.

For salaries of Justices of the Supreme Court, sixty thousand dollars.

For pay of Bailiff and Porter of the Supreme Court, eighteen hundred dollars.

For rent of Supreme Court Rooms, six thousand dollars.

For salary of Secretary of Supreme Court, three thousand six hundred dollars.

For salary of Reporter of Supreme Court, eight thousand dollars.

For each three hundred copies of the Supreme Court Reports, as provided by law, two thousand dollars.

Appropriations. For salaries of District Judges, one hundred and forty-four thousand dollars.

For transportation of prisoners to the State Prison, fifty thousand dollars.

For per diem and mileage of Lieutenant-Governor and Senators, forty-five thousand dollars.

For per diem and mileage of members of the Assembly, ninety thousand dollars.

For pay of Officers and Clerks of the Senate, fifteen thousand dollars.

For pay of Officers and Clerks of the Assembly, seventeen thousand dollars.

For contingent expenses of the Senate, four thousand dollars.

For contingent expenses of the Assembly, six thousand dollars.

Printing. For printing, paper, and official advertisemepts, eighty thousand dollars.

For support of the State Asylum for the Insane, two hundred thousand dollars.

For rent of State-house, ten thousand dollars.

For rent of State Library Rooms, two thousand dollars.

Adjutant-General. For salary of Adjutant-General, six thousand dollars.

For rent of office of Adjutant-General, twelve hundred dollars.

For rent of State Arsenal, one thousand dollars.

For salaries of Clerks in the office of Adjutant-General, eight thousand dollars.

For cleaning and repairing arms, cartage, and transportation of arms, four thousand dollars.

For postage, expressage, and telegraphing, for Adjutant-General's office, one thousand dollars.

For pay of Porter in Adjutant-General's office, four hundred dollars.

For contingent expenses of Adjutant-General's office, four hundred dollars.

Stamp Inspectors. For salaries and commissions of Stamp Inspectors, nine thousand and three hundred dollars.

For pay of Clerk of Stamp Commissioners, twelve hundred dollars.

For contingent expenses of Stamp Inspector's office, seven hundred dollars.

Deaf, Dumb, and Blind. For the education and care of the indigent Deaf, Dumb, and Blind, in accordance with the provisions of an Act approved March twenty-ninth, eighteen hundred and sixty-one, thirty thousand dollars; *provided*, that this appropriation shall be drawn quarterly in proportion of two hundred dollars per annum for each pupil actually a resident of the Asylum during the preceding quarter.

State Prison For the support of State Prison, to be expended under the Direction of the State Prison Directors, one hundred thousand dollars.

Reform School. For the support of the State Reform School, fifteen thousand dollars.

Common Schools. For the support of the Common Schools in this State, the sum of fifty-one thousand five hundred and ninety dollars, one

fourth thereof to be distributed semi-annually, as provided by law for the distribution of School moneys, being the same amount due from the State to the School Fund for interest on the receipts from the sale of School Lands.

Charitable Institutions

For the San Francisco Female Catholic Orphan Asylum, ten thousand dollars.

For the Magdalen Asylum, five thousand dollars.

For the Roman Catholic Orphan Asylum, of Los Angeles, four thousand dollars.

For the support of the Roman Catholic Female Orphan Society, in Santa Barbara, two thousand dollars.

For the San Francisco Ladies' Protection and Relief Society, six thousand dollars.

For the San Francisco Protestant Asylum, and for the improvement of the Asylum grounds, fifteen thousand dollars.

For the Home of the Care of the Inebriate, twenty-five hundred dollars.

Howard Benevolent Society of Sacramento, two thousand dollars; and, *provided*, that all official correspondence requisite or necessary to be sent by any officer of this State named in this Act shall be carried through the United States Mail, except in special cases where the Governor of the State may otherwise order.

For Boys' Orphan Asylum, near San Rafael, two thousand dollars.

For Sacramento Half Orphan Asylum, two thousand dollars.

The Trustees or Managing Agents of the Asylums and charitable associations to which donations are made by this Act, shall report to the Legislature on or before the twentieth day of December in each year in which the Legislature shall be in session a detailed statement of their respective expenditures, with the number of orphans and others who have been inmates of said Asylums during the two years next preceding such reports.

Purchase of stationery.

SEC. 2. All stationery, blank books, lights, and fuel, required by the Supreme Court and State officers, shall be furnished by the Secretary of State upon the order of the Judges or officers requiring the same; the Secretary of State shall furnish, under oath, to the Legislature, a statement, at the time he makes his annual reports, showing the cost of the articles furnished the Judges of the Supreme Court and State officers. The stationery, lights, and fuel furnished by the Secretary of State shall be procured by him as now required by law for stationery, lights, and fuel, etc., for the Legislature.

Appropriations exempt from Board of Examiners.

SEC. 3. The sums herein appropriated as Contingent Funds of the Senate and Assembly shall be disbursed under the direction of the bodies to which they may respectively belong, and shall not be subject to any of the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Officers to make report

SEC. 4. The various State officers, except the Governor, to whom appropriations other than salaries are made under the provisions of this Act, shall, with their annual report submit a

detailed statement, under oath, of the manner in which all appropriations to their respective offices for rent of office, contingent expenses, or other purposes other than salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever unless authorized so to do specifically by law; *provided*, further, that no officer drawing money under the provisions of this Act shall be allowed to draw over one half of each particular appropriation during the sixteenth fiscal year; and, *provided*, further, that the Resident Physician and Assistant Physician of the State Insane Asylum shall be allowed to draw during said sixteenth fiscal year a proportion of their respective appropriations equal to the amount due them as allowed by law.

CHAP. CCCLXX.—*An Act to grant to John N. Dudleston, D. H. Haskill, and their associates and assigns, the right to construct and maintain a Toll Road in Mono County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. The right of way and the right to construct and maintain a toll road, for the term of twenty years, is hereby granted to John N. Dudleston, D. H. Haskill, and their associates and assigns, over the following route: Commencing at the Town of Bridgeport, in the County of Mono, and running up Long Cañon, to the dividing ridge between the Big Meadows and Rough Creek; thence down Spring Gulch to Rough Creek; thence up Rough Creek to the Cave; thence crossing Table Mountain to a point in Boda Gulch near the Boda Ranch; thence down Boda Gulch to the State line.

Grade and width of road. SEC. 2. The said road shall be built in a good and substantial manner; the ascending and descending grades shall not exceed fourteen feet to the one hundred, with a roadway at least sixteen feet wide on all parts of said road where only timber, loose rocks, earth, or gravel are necessarily removed or used for filling in, and fifteen feet where blasting of rocks with powder is necessary to their [the] excavation and construction of said road; but all bends and short turns shall be built with sufficient way-room to allow of any class of teams to pass each other without inconvenience and without danger to life and limb.

Rates of toll SEC. 3. In consideration of the construction of said road, and upon the further condition of keeping the same in good repair, the said grantees shall have the exclusive right to erect toll gates, to demand and collect tolls thereon, in such sums of money as they shall see fit, not to exceed the rates which shall be fixed by the Board of Supervisors of Mono County. The said road shall be completed on or before the first day of October, A. D. one thousand eight hundred and sixty-five.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCLXXI.—*An Act to improve the Navigation of the Mokelumne River.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. D. J. Locke, E. Foster, G. C. Holman, D. Mitchell, J. A. J. Flood, J. Taylor, C. E. Morgan, and J. R Clark, their associates and assigns, are hereby authorized to remove snags, sunken or overhanging trees, rafts, or drifts, within the banks in that part of the Mokelumne River between the Georgiana Slough and the first falls, or Athern's bridge; and said grantees, their associates, and assigns, shall be authorized to collect tolls on said river for the term of twenty years from and after the completion of the work, which shall be within three years from the passage of this Act.

Rights of company. SEC. 2. Said company shall have the right to enter upon any lands upon the banks of said river with their teams, while removing said obstacles, and to build locks or wharves wherever the same may be deemed necessary to facilitate the navigation of said river; to dig channels across points or bends of the river, when the navigation of the same can be improved by so doing, by paying the owners or occupiers whatever amount of damages they may sustain to growing crops or to their property by reason of building wharves or locks, said damage to be estimated by parties mutually chosen for that purpose.

Rates of toll SEC. 3. Upon the completion of twenty-five miles of the work on said river, said company shall have the right to charge tolls on all vessels of ten tons or upwards, at the rate of ten (10) cents per ton, with an additional rate of ten (10) cents per ton upon all cargo on board such vessel passing up and down, each way, such vessel to be liable in her hull, tackle, and furniture, and on a refusal to pay such toll when demanded of the master, person in charge, or owner of such vessel, it may be sued for and recovered in any Court having competent jurisdiction, in any county of this State, with costs of suit as in other cases.

Penalties for obstructing navigation. SEC. 4. If any person or persons shall wilfully prevent or obstruct the free navigation of said river, by felling trees or otherwise, he or they shall be liable to the party or parties injured thereby for all damages which such party or parties may sustain by reason of such obstructions, which damages may be recovered in any Court of competent jurisdiction, with costs of suit, as in other cases.

Tolls for flat boats, etc. SEC. 5. The said company are authorized to collect ten (10) cents per ton on all freight brought down the river in flat boats or rafts, the same as if on board a vessel of registered tonnage, and steamers or sail vessels towing up flat boats, barges, or other boats designed to carry down freight, shall pay ten (10) cents per ton on the freight capacity of said boats or barges.

Time of completing work SEC. 6. If said company shall not in three years have completed the clearing of said river within the points named, so as

to admit the passage of vessels of fifty tons at a moderate stage of high water, then all rights and privileges granted in the foregoing sections of this Act shall be forfeited.

SEC. 7. This Act shall be in force from and after its passage.

CHAP. CCCLXXII.—*An Act to establish and maintain Public Pounds, for the better securing of Estrays and other stock, in the County of San Joaquin.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public Pounds authorized.

SECTION 1. The Supervisors of the County of San Joaquin are hereby authorized and empowered to build or cause to be built one or more public Pounds in each township of said county, on petition of one third of the citizens thereof, and pay for the same out of any money in the General Fund not otherwise appropriated, and appoint one Pound Keeper for each Pound so built, who shall receive for such service the fees hereinafter provided.

What may be impounded.

SEC. 2. Any person may impound any swine, neat cattle, horses, mules, jacks, jennets, sheep, goats, or other stock that shall be found doing damage in his inclosure, or any such creature found going at large in any highway or street, or on any common, in violation of the laws of the State.

Damage done by animals.

SEC. 3. The person impounding any creatures shall leave with the Pound Keeper, in writing, an estimate of the damage done by such creatures, or of the penalty incurred by the owner, and the amount of fees and charges incurred.

Known owners.

SEC. 4. He shall, within twenty-four hours of the time of impounding, cause to be delivered to the owner, or the person who last had them in charge, possession, or keeping, if known to him, or cause to be left at his usual place of abode, a notice, in writing, describing the marks, brands, and color of the creatures impounded, stating his estimate of the damage done and the time when and where the same was done, or of the penalty incurred, the amount of fees and charges incurred, and the place of impounding.

Unknown owners.

SEC. 5. When the owner or keeper of any creatures impounded is not known to the person impounding the same, he shall, within the same time, post up a like notice in some public place in the township, and in two adjoining townships, and shall also file a copy of the same with the County Recorder, who shall proceed in the same manner as required by an Act concerning estrays in certain counties, approved April twenty-seventh, eighteen hundred and sixty-three, and receive the same fees as allowed in said Act.

Discharge of animal.

SEC. 6. If the owner, or any party claiming such creatures, shall pay the penalty or estimated damages and charges incurred

to the person impounding, or to the Pound Keeper, the creatures impounded shall forthwith be discharged from such Pound.

Refusal to pay.

SEC. 7. If the owner, or party claiming such creatures, shall neglect for the space of three days, or shall refuse to pay the charges estimated by the person impounding the same, either of said parties may apply to some Justice of the Peace, who shall notify the other party to appear before him at a time and place appointed, as early as practicable, and after hearing the parties shall appoint three disinterested persons to appraise such damages.

Appraisal.

SEC. 8. The Appraisers so appointed shall notify the parties, and as early as practicable view the place where the damage is alleged to be done, and hear the parties and their evidence, and report to the Justice whether any damage was done by such creatures at the time of their being in such inclosure, and the sum at which they estimate the same, and such report, signed by a majority of such Appraisers, shall be conclusive upon the parties.

Payment of award.

SEC. 9. Upon payment of the damages so appraised and the charges incurred, with the fees of the Justice and Appraisers, to be assessed by the Justice, such creatures shall be discharged from the Pound.

Sale of animal.

SEC. 10. If such creatures impounded shall remain in the Pound for ten days after the day of such notice being given or posted as aforesaid, the person impounding the same may apply to a Justice for an appraisal of the damages, if no appraisal has been made, and for an order for the sale and appraisal of such property.

SEC. 11. The Justice, after notice and hearing the parties, may order such creatures, or so many of them as may be necessary, to be sold at public auction by the person impounding the same, who shall give notice and proceed in such sale in the same manner as Sheriffs are required to do in sales upon execution, or he may order them to be appraised in the same manner as damages are required to be appraised, in which case the person impounding shall take them to his own use at the appraised value.

Surplus to go to owner.

SEC. 12. After payment of the penalty or damages and all costs, the overplus of such sale or appraisal shall be paid to the owner upon request, if he shall apply for the same within one month from the time of such payment, otherwise it shall be placed in the County Treasury, there to await the order of the owner, and shall be paid by the Treasurer to such owner if he shall apply for the same within twelve months from day of sale, on making satisfactory proof he is entitled to the same; *provided*, if no claimant appear within the above specified time such money shall be placed in the County General Fund.

Proviso.

Unclaimed animals.

SEC. 13. If, after ten days, no owner appears, or if, after an appraisal or order of sale, any of the creatures impounded shall remain unclaimed, the person impounding may take such creatures out of the Pound and proceed with them as estrays.

Penalty for rescue.

SEC. 14. If any person shall rescue any creature from the possession of any person driving or being about to drive the same to the Pound, or shall make any Pound breach, or in any way, directly or indirectly, convey or deliver any creature out

of any Pound without lawful authority, he shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Animals rescued.

SEC. 15. The Pound Keeper or person impounding may retake, within six days, any creature directly or indirectly conveyed or delivered out of the Pound without lawful authority, and again impound and detain the same until the damages and costs are paid, with the additional cost of retaking, which shall be the same as in the first impounding, or the same is otherwise legally released.

Penalty for refusing to give up.

SEC. 16. If any creature so illegally conveyed out of any Pound shall be in any person's inclosure who shall refuse to deliver the same to the Pound Keeper or person who first impounded the same upon demand, such refusal shall be sufficient evidence to convict such person of having released such creatures from the Pound.

Care of animals.

SEC. 17. The Pound Keeper, if there is any, otherwise the person impounding, shall cause the creatures impounded to be provided with food and drink suitable for such creatures, and upon neglect shall be liable to the owner for all damages arising therefrom.

Sustenance.

SEC. 18. The sum to be allowed for sustenance of creatures impounded shall be:

For cattle and horses above one year old, twenty-five cents per day.

For all other creatures, ten cents per day, each.

Fees of Keeper.

SEC. 19. The fees to be paid to the Pound Keeper shall be fifty cents, each, for every creature impounded, except sheep, which shall be ten cents, each, including the putting in and letting out, and the same fees in case of creatures retaken after Pound breach.

Fees of persons impounding.

SEC. 20. The fees to the person impounding shall be ten cents a mile for travel from the place of taking to the Pound, and ten cents a head for driving, if more than one mile, otherwise five cents a head; for each notice twenty-five cents, and twenty cents a mile for travel from the Pound to the place where such notice shall be given or left; and the same fees in case of creatures retaken after Pound breach.

Persons may impound on their own premises.

SEC. 21. If the Supervisors shall fail or neglect to provide Pounds and appoint Pound Keepers, as provided by the first section of this Act, it shall and may be lawful for the person taking up creatures from trespassing on their lands to take and impound the same in his own barns or inclosures, and shall comply in all respects with sections four, five, and seven of this Act.

SEC. 22. This Act shall be in force from and after the first day of May next.

CHAP. CCCLXXIII.—*An Act fixing the Time of holding the County Court and Probate Court in the County of Calaveras.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the County Court and Probate Court in the County of Calaveras shall hereafter be held on the first Monday of March, June, September, and December of each year, and may continue in session until the commencement of the next term, unless all the business of said Courts be sooner disposed of. Terms fixed

SEC. 2. Special terms of said Courts may be held by order of the County Judge whenever, in his opinion, the public interest requires it. Notices of such order shall be given by the County Clerk by posting such notice for ten days at the Court-house door, and by one publication of the same in each of the newspapers published in said county. Special terms.

SEC. 3. This Act shall take effect from and after the thirty-first day of May, one thousand eight hundred and sixty-four.

CHAP. CCCLXXIV.—*An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for Edward B. Holmes, A. H. Murdock, William Clary, Gordon Backus, J. G. Wilson, Henry Baker, Joseph H. Moore, or the majority of said parties, and others whom they may associate with themselves, to be known as the "San Souci Road Company," to construct a macadamized roadway in the City and County of San Francisco, commencing on West Mission street at its intersection with Hermann street; thence along Hermann street to Waller street; thence along Waller street westerly to the charter line of eighteen hundred and fifty-one; thence westerly to the Ocean House and Cliff House. And said parties shall have the right of levying and collecting tolls upon all animals and vehicles passing along said road. Franchise.

SEC. 2. Said company shall grade entirely at their own expense and keep in good repair during the time specified in section six of this Act the entire line of road constructed by them in accordance with this Act. Said road shall be laid in the centre of Hermann and Waller streets as far as the westerly charter line of eighteen hundred and fifty-one, and the width thereof shall not be less than thirty feet. Care and grade of road.

Completion. SEC. 3. Said parties shall complete, within the period of six months next following the passage of this Act, a section of said road equal to one fourth thereof; and within a period of six months following, a second section of the same extent as aforesaid; and within six months next following, a third section of the same extent, and within six months next following, the remainder of said road.

Forfeiture may ensue. SEC. 4. To insure the completion of said road, it is *provided*, that if the parties designated in section first shall fail to fulfil any of the conditions contained in section three of this Act in respect to the completion of any of said sections of said road within any of the several periods therein named, then this privilege may be declared forfeited, ceased, and determined, by the Board of Supervisors of said city and county, within thirty days after the expiration of such period; and thereupon the section or sections of said road or parts of the same that shall then be completed or in process of completion, shall revert, with all the appurtenances, and in their then condition, to the City and County of San Francisco, unless the Board of Supervisors of said city and county, for satisfactory reasons, extend the said period or periods.

Minimum of tolls. SEC. 5. The Board of Supervisors of said city and county may, after said road is opened for use, from time to time alter or reduce the rate of tolls upon such road; but the tolls charged thereon shall never be higher than the rates following, viz:

[For] the vehicles drawn by four animals, fifty cents.

For vehicles drawn by two animals, forty cents.

For vehicles drawn by one animal, twenty-five cents.

For all animals rode, led, or driven, over said road, except milch cows, ten cents.

Duration of franchise. SEC. 6. The privilege herein granted shall continue during a period of twenty-five years, subject, nevertheless, to the conditions that the parties designated in section first are required to sell, transfer, and convey the said road to the City and County of San Francisco, at any time within five years after the completion of the same, upon a demand being made to that effect by the said city and county, the value thereof, exclusive of the franchise, to be ascertained by the award of five Commissioners, two to be appointed by the grantees herein mentioned, two by said Board of Supervisors, and the fifth to be selected by the four first above mentioned.

Toll gates. SEC. 7. Said company may erect one or more toll gates at such point or points as they may determine; *provided*, no toll gate shall be erected or toll collected east of the charter line of eighteen hundred and fifty-one; and, also *provided*, that all funeral corteges passing to and from any cemetery on the line of said road shall pass free of toll.

SEC. 8. This Act shall go into full force and effect whenever the Board of Supervisors of the City and County of San Francisco shall, by order duly passed, approve the same.

CHAP. CCCLXXV.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-eighth, eighteen hundred and sixty, and May fifteenth, eighteen hundred and fifty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all civil cases arising in Justices' Courts, wherein an undertaking is required as prescribed in section twenty-eight of an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-eighth, eighteen hundred and sixty, and sections five hundred and forty-five (545) and five hundred and fifty (550) of an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed May fifteenth, eighteen hundred and fifty-four, the plaintiff or defendant may deposit with said Justice a sum of money equal to the amount required by said undertaking, which said sum of money shall be taken as security in place of said undertaking. Security in place of undertaking.

CHAP. CCCLXXVI.—*An Act to repeal a certain Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax and create a Redemption Fund for the payment of County Indebtedness.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved May twentieth, eighteen hundred and sixty-one, is hereby repealed. Act repealed

SEC. 2. All moneys remaining in said Fund or which may be paid into the Treasury of Tehama County to the credit of or belonging to said Redemption Fund, shall be placed to the credit of the General Fund of said county. Disposition of funds.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXVII.—*An Act for the Relief of the Line Officers of the California Volunteers in the Service of the United States.*

[Approved April 4, 1864.]

Preamble. WHEREAS, The burden of raising the Volunteer Companies of this State for the service of the United States is borne principally by the Captains and Lieutenants of those companies, after having been examined and accepted by a Board of Army Officers, and after receiving their commissions from the State; and,

WHEREAS, The said officers receive no pay for their services until they are declared mustered into the service of the United States, which, with a First Lieutenant, is when his company is raised to one half the minimum number, and with a Captain and Second Lieutenant, when the company is raised to the full minimum number, or when it is mustered in by a special order; and,

WHEREAS, Owing to the tardy manner in which volunteering has progressed under the Governor's call for volunteers of February fifth, eighteen hundred and sixty-three, the officers of the companies called for have been subjected to great expense in raising their companies, in some cases having been compelled to abandon the enterprise in order to procure the means to subsist themselves and their families; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Relief Fund created. SECTION 1. A sum, not exceeding sixty-five thousand dollars, is hereby appropriated and set aside, to constitute a separate Fund, to be known as the "Line Officers' Relief Fund," for the purpose of paying the line officers of the companies of California Volunteers raised and being raised in this State for the service of the United States, under the Governor's call for volunteers of February fifth, eighteen hundred and sixty-three, to aid in the enforcement of the laws and the suppression of insurrection, for services rendered in raising recruits for their companies during the time intervening between the date of each receiving his commission and the date of his being mustered into the service of and receiving pay from the United States. All liabilities created by this Act shall be paid out of said Fund.

Who entitled to its benefits. SEC. 2. There shall be paid out of the Fund created and set apart by the first section of this Act, to each and every line officer of the companies of California Volunteers raised and being raised in this State for the service of the United States, under the Governor's call for volunteers of February fifth, eighteen hundred and sixty-three, to aid in the enforcement of the laws and the suppression of insurrection, from the time of each receiving his commission to the time of his being mustered into the service of and receiving pay from the United States, the

Amount. same pay and allowances as is received from the Government of the United States by United States army officers of the same grade serving in California; *provided*, that the amounts received by any commissioned or non-commissioned officer or

private from the General Government for services, or State Government to aid in payment of expenses of recruiting between the date of their commissions upon which they claim the benefit of this Act, and the date of their being mustered into the service of the United States thereon, shall be deducted, respectively, from the amount above appropriated; and, *provided*, further, that no officer who shall have been dismissed the service, or left the same dishonorably, shall receive any benefits from the provisions of this Act.

SEC. 3. No money shall be drawn out of the Line Officers' Relief Fund, herein provided for, except as is provided for in section four of this Act.

Manner of payment.

SEC. 4. Each of the line officers referred to in sections one and two of this Act is hereby authorized to send in his pay account against the State of California monthly, or at longer intervals, for services rendered in raising recruits for his company during the time intervening between the date of his receiving his commission and the date of his being mustered into the service of and receiving pay from the United States, to the Adjutant-General of this State, the said account to be drawn up and duly certified to in conformity with Form Three, (official pay account,) page three hundred and fifty-eight, "Revised United States Army Regulations." The Adjutant-General, finding the said account to be true and correct, and the amount due and payable under the provisions of this Act, shall certify to the same, and the Controller shall draw his warrant upon the Treasurer of the State for the amount so certified to, payable out of the Fund hereby created. Such warrants shall not be assignable.

Bonds to be issued.

SEC. 5. For the purpose of carrying into effect the provisions of this Act, and providing for the Fund created by section one of this Act, the Treasurer of the State of California shall cause to be prepared bonds of the State, to the amount of sixty-five thousand dollars, in sums of five hundred dollars each, redeemable at the office of the Treasurer of State on the first day of July, eighteen hundred and seventy-four. The said bonds shall bear interest, payable semi-annually, at the rate of seven per cent per year from the date of their issue, which interest shall be due and payable at the office of the Treasurer of State on the first days of January and July of each year; *provided*, that the first payment of interest shall not be made sooner than the first day of January, eighteen hundred and sixty-five. The said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of State affixed thereto; and such bonds shall be issued as soon after the passage of this Act as they can be prepared and sold. The expenses of preparing such bonds shall be audited as a claim against the Line Officers' Relief Fund, created by this Act.

Coupons.

SEC. 6. Coupons for the interest shall be attached to each bond, consecutively numbered, and signed by the Treasurer of State, and it shall be the duty of the Controller and Treasurer of State, each, to keep a separate record of all such bonds as may

be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Claims to be audited.

SEC. 7. All demands against the Line Officers' Relief Fund shall be audited by the Board of State Examiners, in like manner as other claims against the State are or may be directed to be audited.

Sale of bonds.

SEC. 8. The Treasurer of State shall sell and dispose of said bonds for gold and silver coin of the United States in the following manner: He shall, immediately after the passage of this Act, publish notices for thirty days in two daily papers of the City of Sacramento, and in two daily papers of the City of San Francisco, inviting sealed proposals for the purchase of said bonds, the notice to state the time and place of receiving bids, the amount of bonds to be disposed of, and that no bids will be received for the purchase of a less sum than two thousand dollars, nor for a greater rate of discount than fifteen cents on the dollar of the par value thereof, and that the payments for the same must be made in gold and silver coin of the United States. Parties proposing to purchase bonds offered as aforesaid, must state in writing the amount they propose to purchase, and the rate per cent they are willing to pay in gold and silver coin as aforesaid, each proposal to be accompanied with a responsible guarantee that the bidder will take the amount of bonds proposed, and pay for the same on delivery of the bonds, if his bid is accepted, in accordance with the terms of his bid. No bids shall be received for a less sum than two thousand dollars, nor for a fractional part thereof; and the said bonds shall not be sold or negotiated by the Treasurer at a greater discount than fifteen cents on the dollar of the par value thereof. The Treasurer shall, immediately upon the closing of said bids, or as soon thereafter as convenient, open the whole of the bids or proposals, in the presence of the Governor and Controller, and the Governor, Controller, and Treasurer shall proceed to consider such proposals, and shall accept such as propose to purchase the said bonds for the smallest discount, such discount not in any case to be greater than hereinbefore limited. Upon the acceptance of any bid, and notification by the Treasurer to the bidder, such bidder shall forthwith pay to the Treasurer the amount of the purchase money for the bonds proposed to be purchased, in gold and silver coin of the United States; upon receiving the same, the Treasurer shall deliver to such purchaser the bonds so purchased. All moneys received by the Treasurer from the sale of bonds as herein proposed, shall be placed by the Treasurer to the credit of the said Line Officers' Relief Fund.

Liability of bidders.

SEC. 9. If any bidder whose bid shall be accepted shall fail to pay the money and accept the bonds, as provided in the last preceding section, he shall forfeit all right to his bid, and shall, with his guarantors, be liable to an action by the Treasurer of the State, for the benefit of said Fund, for any damages resulting from such failure to comply with the conditions of his bid in accepting the bonds and paying over the purchase money.

Tax levied.

SEC. 10. For the payment of the principal and interest of the bonds issued under this Act, there shall be levied and collected, annually, commencing in the year A. D. eighteen hun-

dred and sixty-four, and continuing until the final payment or redemption of the same, and in the same manner as other State revenue is or may be directed by law to be levied and collected, a tax of one cent on each hundred dollars of taxable property in the State, in addition to the taxes for general State purposes, and the Fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for, and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment of the bonds issued by virtue of this Act, and the interest thereon, and if necessary, to provide other and ample means for the payment thereof.

Redemption of bonds.

SEC. 11. If on the first day of January or July, one thousand eight hundred and sixty-five, or upon the first day of January or July in any subsequent year, there shall remain a surplus, after the payment of the interest as hereinbefore provided, of five thousand dollars or more in the Fund created by the tenth section of this Act, it shall be the duty of the Treasurer to advertise in two daily newspapers published, in English, in each of the Cities of San Francisco and Sacramento, for sealed proposals for the surrender of bonds issued under the provisions of this Act. He shall state in such advertisement the amount of money on hand applicable to the redemption of bonds, and he shall accept such proposals, at rates not exceeding par value, as may redeem the greatest number of bonds, until the amount of cash on hand for redemption is exhausted.

Record of funds.

SEC. 12. Full and particular account and record shall be kept by the Treasurer of the condition of the funds collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and of any committee appointed by the Legislature, or either branch thereof.

Payment of interest.

SEC. 13. It shall be the duty of the Treasurer of this State to make arrangements for the payment of the interest of said bonds when the same falls due; and in the event that the said Interest Fund should be insufficient, the said Treasurer shall make up the deficiency from the General Fund; and in the event of the insufficiency of the General Fund, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the credit of the State. And in case there should at any time be in the Fund created by this Act for the payment of said interest and the redemption of said bonds any surplus moneys not needed for the payment of said interest or the redemption of any bonds, it shall be the duty of the Treasurer of State to transfer such surplus moneys to the General Fund of this State. Said bonds shall be redeemed and the interest paid in the gold and silver coin of the United States.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXVIII.—*An Act supplementary to an Act entitled an Act to make certain Offices in the County of Calaveras Salaried Offices, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sheriff's fees for collection of State taxes.

SECTION 1. For any service performed by the Sheriff of said county, or any of his Deputies, under or by virtue of any law now in force or hereafter to be enacted, for the collection of any tax that he is now or may hereafter be required to collect, he shall be allowed to keep for his own use out of the money so collected only the compensation allowed by law for such collections on that portion of the money so collected which is paid by him into the County Treasury for the State, and all fees or percentage allowed by law for collecting that portion required by law to be paid into said Treasury for county purposes shall be paid by him into said Treasury, and by the Treasurer be paid into the Salary Fund of said county, for the payment of the salary of said Sheriff, his Under Sheriff, and Deputies.

County taxes.

Fees on county taxes

SEC. 2. The Sheriff of said county, or his Deputies, shall perform all service required, and serve all processes issued by any Court of his county, other than Justices' Courts, and all the fees allowed by law for any such service, whether civil or criminal, shall be paid by him into the County Treasury, to be placed by the Treasurer in the Salary Fund of said county, and all Constables in said county serving any such process so issued, shall pay to the Sheriff all fees collected therefor, who shall pay the same to the County Treasurer for the purpose aforesaid.

Expense of transporting prisoners.

SEC. 3. The Sheriff, or any person acting under his authority, shall be allowed to charge the county with the actual necessary expenses of transporting prisoners to the County Jail, and of keeping them while in transitu, which expenses, when verified by oath, shall be audited and paid out of the Salary Fund of said county; and all fees collected for service of any order or process issued by a Court of any other county he shall be entitled to receive for his own private use.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act, so far as the same relate to the County of Calaveras, are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXIX.—*An Act to authorize Corporations organized in this State for the purpose of Mining in or without this State to establish and maintain Transfer Agencies in other States.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That it may be lawful for any corporation organized in this State for the purpose of mining or carrying on mining operations in or without this State to establish and maintain agencies in other States of the United States for the transfer and issuance of their stock, and a transfer or issuance of [the] same at any such transfer agency, in accordance with the provisions of this statute, shall be valid and binding, and as fully and effectually so for all purposes as if made upon the books of such corporation at its principal office within this State. Transfer agencies.

SEC. 2. All stock of any such corporation issued at any such transfer agency shall be signed by the President and Secretary of the corporation, and countersigned at the time of its issuance by the Agent or Agents of such corporation having the charge of such transfer agency; and no stock shall be issued at such transfer agency unless the certificate or certificates of stock in lieu of which the same is issued shall at the time of such issuance be surrendered for cancellation. Stock issued at transfer agencies.

SEC. 3. The stockholders of any such corporation may pass by-laws for the regulation and conduct of any such transfer agency; *provided*, the same be not inconsistent with the provisions of this Act. And such transfer agency shall at all times be subject to the control of the Trustees of said corporation. Laws regulating agencies.

SEC. 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCLXXX.—*An Act to enforce the collection of Poll Taxes.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Tax Collector, or other officer intrusted by law with the collection of poll taxes in any county in this State, to keep a roll of the names of all persons who shall pay a poll tax in each year, and the date and amount of each payment; also, in a separate column of said roll the names of all parties liable to such tax from whom he shall demand such tax who shall refuse or neglect to pay the same, with the date of such demand. On the first Monday of August of each year, in addition to the returns now required Roll of delinquents.

by law, he shall return to the Auditor the roll so made up to that time, and on the Saturday next preceding the first Monday of March in each year he shall in like manner return the roll as taken after the date of his prior return to that time. These returns shall be certified by him as true and full returns of all the persons from whom he has made such collections, or on whom he has made such demands, and shall be verified by his oath or affirmation.

Penalty for neglect of duty.

SEC. 2. If any such Tax Collector or other officer shall, without sufficient excuse, neglect to demand and collect any poll tax authorized by law from any and every male inhabitant of the county not exempt by law from such payment, he and the sureties on his official bond shall be liable for the amount of any and all such taxes uncollected in consequence of such neglect, and suits shall be instituted and prosecuted against any such delinquent Tax Collector or other officer as aforesaid, in their respective counties, in the name of The People of the State of California for any and all such delinquencies. Any number of such delinquencies may be included and charged in the same complaint, and such suits may be brought in any township in the county, without regard to the residence of such Tax Collector or other officer. In case any final judgment in any such suit shall not be paid within thirty days after it is entered, it shall be enforced by suit against the sureties of the official bond of the defendant. The sums recovered in such suits shall be paid and appropriated in the same manner as other poll taxes collected, except that the percentage allowed the Collector for collecting such taxes shall be paid into the School Fund of the county; *provided*, no suit authorized by this Act shall be instituted until after the last return required by the first section of this Act.

Penalty for failing to make return

SEC. 3. Any such Tax Collector or other officer who shall neglect to make the returns required by this Act shall forfeit and pay two hundred dollars to the use of the county, which may be recovered by suit on his official bond against his sureties.

Duty of District Attorney.

SEC. 4. It is hereby made the duty of the District Attorney of each county of this State to institute and prosecute the suits authorized and required by this Act, and in addition to the other costs in such actions, there shall be taxed in each fifteen dollars, as compensation for the services of such Attorney.

CHAP. CCCLXXXI.—*An Act supplementary to an Act granting the Right of Way and to encourage the construction of a line of Telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, one thousand eight hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which the telegraph line mentioned and described in the Act to which this is supplemental is required to be constructed and put in operation is hereby extended two months. Time extended.

CHAP. CCCLXXXII.—*An Act supplementary to an Act to grant the Right of Way for a line of Telegraph from San Francisco to Crescent City, passed April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time mentioned in section first of said Act for the construction and putting in operation a line of telegraph from San Francisco to Eureka, by way of Petaluma, Santa Rosa, Healdsburg, and Ukiah City, is hereby extended two months. Time extended.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXXXIII.—*An Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate Elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Adjutant-General of the State, on or before the first day of July, eighteen hundred and sixty-five, and of each and every year thereafter, to make a list, as nearly perfect as practicable, of the names of all the electors resident of the State of California who shall then be in the military service of the United States, which names shall be arranged in alphabetical order, and said list shall give the rank of each of said electors in said service; if a regimental or staff Adjutant-General to make lists of electors in U. S. military service.

officer, the number of the regiment to which he is attached, and if a line or non-commissioned officer, musician, or private, the number of the regiment, battalion, or squadron of cavalry, or battery of artillery, and the letter of the company in such regiment, squadron, or battery to which he belongs, and also the county of his residence in this State. Said list shall be delivered by the Adjutant-General to the Secretary of State on or before the said first day of July, eighteen hundred and sixty-five, and of each and every year hereafter.

Duty of Secretary of State.

SEC. 2. The Secretary of State shall classify and arrange the list returned to him as aforesaid, and shall make therefrom separate lists of the electors belonging to each regiment, battalion, squadron, and battery from this State which shall then be in the service of the United States, and shall, on or before the fifth day of July, eighteen hundred and sixty-five, and of each and every year thereafter, transmit, by mail or otherwise, to the commanding officer of each regiment, battalion, squadron, and battery, as aforesaid, a list of electors belonging thereto, which said list shall specify the name, residence, and rank of each elector, and the company to which he belongs, if any, and also the county, Judicial and Supervisor District, for officers of which each of said electors is entitled to vote; and the Secretary of State is hereby directed to furnish two copies of this Act to the commanding officer of each regiment, battalion, squadron, and battery, as aforesaid.

Duty of commanding officers.

SEC. 3. In case any regiment in the field shall be divided and stationed in different places or localities, the commanding officer of such regiment shall, upon receiving from the Secretary of State the list of the electors in the regiment under his command, forthwith transmit to the officer having for the time being a portion or detachment of such regiment under his command, a list of the electors belonging to said detachment or portion of said regiment, which said list shall be a transcript of said list furnished by the Secretary, so far as relates to the electors to be embraced therein, and shall be certified by the commanding officer of said regiment.

Election.

SEC. 4. On the day fixed by law for holding any election within the provisions of this Act authorized by law in this State, an election shall be held, and a ballot box or other suitable receptacle for votes shall be provided, and votes received from the electors whose names are upon said list, at each place where a regiment, detachment of a regiment, a battalion, squadron, or battery of California soldiers in the service of the United States may be on that day, at which time and place the electors whose names are upon said list belonging to such regiment, detachment, squadron, or battery, shall be entitled to vote under the provisions of this Act for all officers for which, by reason of their residence in the several counties of this State, they would be authorized to vote, as fully as they would be entitled to vote at elections in the several counties and districts in which they reside, and the votes so given by such electors at such time and place shall be considered taken and held to have been given by them in the respective counties of which they are residents. Such election shall be held, and such ballot box or other receptacle for votes shall be provided, and such votes received

under the supervision and charge of the three highest or senior officers in command of such regiment, detachment, squadron, or battery, in which shall be deposited by said electors ballots for all officers for whom, under the provisions of this Act, they are entitled to vote, which ballots shall have the name and office of the persons voted for fairly written or printed on one piece of paper. The name of each elector voting as aforesaid shall be checked at the time of voting by one of the officers having charge of the ballot box as aforesaid upon the list furnished, and the officers receiving said votes shall exercise due care and diligence to prevent any soldier voting by mistake for any officer except such as he is entitled to vote for; but no officer shall open or examine any ballot before the same shall be deposited in the ballot box. Said election shall be opened, if practicable, at nine o'clock in the morning of said day, or if not then, at such hour in said day as may be agreed upon by the officers whose duty it is to open the same, and shall remain open a sufficient length of time to enable the electors belonging to said regiment, detachment, battalion, squadron, or battery to vote, and one hour's notice shall be publicly given by the commanding officers before closing said election. And when said election shall have been closed, the votes shall be, as soon as possible thereafter, counted by the officers having charge of said ballot box, or persons by them appointed; and the senior officer in command of such regiment, battalion, or squadron, as the case may be, before opening said election, shall administer to the officers conducting such election the following oath, to wit:

"You do solemnly swear that you will support the Constitution of the United States and the State of California, and discharge the duties of ——— of this election to the best of your ability. So help you, God." Oath.

SEC. 5. When such ballots shall have been counted, the officers conducting said election shall make out a certificate of the result of said election, which certificate shall be taken as evidence of the votes cast; and the commanding officer of such regiment, detachment, battalion, squadron, or battery, as the case may be, shall seal up and forthwith transmit the same to the Secretary of State at Sacramento. Returns.

SEC. 6. The form of returns of votes to be made by the commanding officers to the Secretary of State shall be as follows, viz:

"Return of soldiers' votes in the (here insert the regiment, detachment, battalion, squadron, or battery). I hereby certify that on ——— day of ——— year, the electors belonging to the (here insert the regiment, detachment, battalion, squadron, or battery,) cast the following number of votes, respectively, for the several persons hereinafter stated, for the officers designated, viz: For Governor, ———. (Names — Number of votes for each person voted for written in full, and also in figures, against the names of each person). For Lieutenant-Governor, ——— Form of returns.

(Names—Number of votes as above. Pursuing substantially the above form, specifying particularly each county or district for which votes are cast, and the names of the persons voted for, to which he shall append the following certificate, viz:

"Attest: A B, Commanding Officer of (regiment, detachment, battalion, squadron, or battery, as the case may be)."

Said returns shall be made upon one piece of paper, or upon different pieces of paper connected or fastened together.

Violations of Act.

SEC. 7. Any commanding officer who shall neglect or refuse to make such return of votes as is provided in the fifth and sixth sections of this Act, or who shall make a false or fraudulent return of such votes, and any officer who shall, by command, intimidation, threats, or promises of any advantage or preferment, or in any other improper manner, endeavor to control or influence the vote of any soldier under his command or control, or in like manner endeavor to prevent or induce any soldier to refrain from voting for any particular candidate or candidates for whom such soldier has a right to vote as provided by this Act, such officer shall forfeit for every such offence the sum of two hundred dollars, one half to him who shall prosecute to effect, and the other half to the Treasury of the county in which prosecution for said offence shall be commenced, and any act so committed shall be considered, taken, and held, to have been committed by such officer within the jurisdiction of this State, and such officer shall be liable to be prosecuted for such offence before any Justice of the Peace in any county of this State at any time within one year after such officer shall return to this State; and if satisfactory evidence shall be presented to the Governor of this State that any officer has been guilty of any of the offences specified in this Act, it shall be the duty of the Governor immediately to cause such evidence to be transmitted to the President of the United States, with the most urgent solicitations that the commission of such officer be revoked, and his name stricken from the army roll.

Penalties.

Votes for Governor and Lieut. Governor.

SEC. 8. The Secretary of State shall, on the first day of the session of the Legislature, return to the Speaker of the Assembly the result of the votes given as set forth in said certificates of election for Governor and Lieutenant-Governor, which shall be opened and published at the same time and in the same manner, and with like effect, as the votes returned by the Clerks of the several counties of this State; and, further, that the Secretary of State shall add the vote received from the counties to the soldiers' vote, and certify the same to the Governor; and, further, that the Secretary of State shall be allowed until the third Monday in December to add supplemental returns of the votes of soldiers.

Secretary of State to transmit returns to Speaker of Assembly.

Also, to County Clerks, as to election of county officers.

SEC. 9. It shall be the duty of the Secretary of State, upon the receipt of votes given by the electors belonging to the regiments, detachments, battalions, squadrons, and batteries aforesaid, to transmit to the Clerks of the several counties of this State such portions of the returns of soldiers' votes as he shall have received affecting the election of officers in their county or district; and the several persons whose duty it is to canvass the votes given for county or district officers are hereby directed to

wait before completing said canvass until sixty days from the time when such general, judicial, district, county, or special election may be held; but they are hereby required to canvass such votes on the said sixtieth day, except in such cases as it might happen to fall on Sunday, Christmas Day, New Years Day, or the Fourth Day of July, when the following day shall be considered as the sixtieth day, and it is hereby made their duty and they are directed to count the votes aforesaid from the certificate of election which shall have been returned in the manner heretofore prescribed.

Further duties of Secretary of State

SEC. 10. The Secretary of State shall, in all cases where it is made his duty by law to canvass the votes and certify the election of any officer in this State, count and include the votes given by the electors belonging to the regiments, detachments, battalions, squadrons, and batteries aforesaid, and returned in the manner herein prescribed.

Publication of Act.

SEC. 11. The Secretary of State shall, within ninety days after the passage of this Act, cause the same to be printed in pamphlet form, and transmit two copies thereof by mail to the County Clerk of the several counties of this State, and also two copies by mail or Government Express to each Colonel, Lieutenant-Colonel, and Major, or commanding officer of a California regiment then in the service of the United States.

Laws made applicable.

SEC. 12. The general provisions of the laws of the State of California relating to electors and elections, so far as the same are applicable, shall be pursued and complied with in the voting under this Act, and so far as the same are inconsistent herewith they are, for the purposes of this Act, repealed.

Acts repealed.

SEC. 13. All Acts or parts of Acts contravening the provisions of this Act are, for all the purposes of this Act, hereby repealed.

Construction of Act.

SEC. 14. The provisions of this Act shall be construed to apply to the election of Governor, Lieutenant-Governor, State, judicial, county, and district officers.

CHAP. CCCLXXXIV.—*An Act supplementary to an Act entitled an Act to limit the time for the commencement of Civil Actions in certain cases, approved March fifth, eighteen hundred and sixty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Former Act construed.

SECTION 1. Nothing contained in the Act to which this is supplementary shall be construed or have effect to bar or prejudice any right which the City and County of San Francisco may have to any lots or lands which were reserved for public squares, streets, School-house sites, or any other public use or purpose under and by virtue of the provisions of the ordinances of the City of San Francisco recited and confirmed in the Act of the Legislature entitled an Act concerning the City of San

Francisco, and to ratify and confirm certain ordinances of the Common Council of said city, approved March eleventh, eighteen hundred and fifty-eight, but the said city and county shall at all times hereafter have the right to sue for the recovery of said reserved lots and lands, or the possession thereof, and to assert and maintain any lawful right, title, or claim thereto, either as plaintiff or defendant, in the same manner and to the same extent as if the said Act to which this is supplementary had not been passed.

Minors and insane persons, etc.

SEC. 2. If any person subject to or affected by the limitation established by the Act to which this is supplementary, were, at the time that the right and title under the ordinances therein referred to shall have first descended or accrued:

First—Within the age of majority; or,

Second—Insane; or,

Third—Imprisoned on a criminal charge or in execution upon conviction of a criminal offence for a term less than for life; or,

Fourth—A married woman, and her husband were a necessary party with her in commencing such action or making such defence;

Then the time during which such disability shall have continued shall not be deemed any portion of the period of limitation established in the said Act to which this is supplementary.

Act to take effect.

SEC. 3. This Act shall take effect at the same time with the Act to which it is supplementary, and its provisions shall be construed and deemed as part of said Act; but neither the provisions of this Act, nor those of the Act to which this is supplementary, shall be construed or have effect to prolong the time limited and prescribed for the commencement of any action concerning real property by the laws existing at the time when said Act to which this is supplementary was passed.

CHAP. CCCLXXXV.—*An Act to add an additional section to an Act entitled an Act to amend an Act entitled an Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and Acts amendatory thereof and supplementary thereto, approved March twenty-fourth, eighteen hundred and sixty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be an additional section to said Act which shall read as follows:

Act to take effect.

Section 2. This Act shall take effect and be in force from and after its passage.

SEC. 3 [2]. This Act shall take effect immediately.

CHAP. CCCLXXXVI.—*To confer certain powers on the Boards of Supervisors of the Counties of Santa Clara and San Mateo, and the City and County of San Francisco, in relation to the interest and stock held by said counties and city and county in the San Francisco and San José Railroad.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors authorized to sell stock of county.

SECTION 1. Each of the Boards of Supervisors of the Counties of Santa Clara, San Mateo, and the City and County of San Francisco, is hereby empowered to sell and dispose of any or all of the stock held by the respective county or city and county represented by said Board in the San Francisco and San José Railroad, in exchange for the bonds of their respective counties or city and county aforesaid, or for cash, at the par value of said stock, and at a price for the bonds not exceeding the par value, and the bonds so received in exchange for the stock shall be delivered up to the Auditor thereof, and cancelled, and preserved among the records and files of his office.

Proceeds of sale to be applied to redemption of bonds.

SEC. 2. At any time after the expiration of one year from the date of the passage of this Act, each of the said Boards of Supervisors, with the concurrence of at least two thirds of all the members thereof, shall have power in their discretion to sell and dispose of the said stock, from time to time, for the best prices that they can obtain therefor, payable in the gold and silver coin of the United States, and the proceeds of all such sales shall be paid into the Loan Fund of the respective county or city and county, and be applied to the redemption of said bonds, from time to time, in conformity with the provisions of the Act authorizing the Board of Supervisors of the respective county or city and county to take and subscribe certain amounts to the capital stock of the San Francisco and San José Railroad Company, providing for the payment of the same, and other matters relating thereto, approved in April, one thousand eight hundred and sixty-one.

Transfer of stock.

SEC. 3. To effect the sales or exchange of stock hereinbefore authorized, the said Boards of Supervisors are empowered to appoint the County Treasurer, or, by the unanimous consent of all the members elected, any other responsible Agents, for whose acts the members of each Board shall be personally, jointly, and severally, responsible to their respective counties or city and county, and they shall have power to exact such additional official bond from the Treasurer, and such bonds or security from the Agents by them so appointed, as they may deem necessary. But the transfer of such stock upon the books of said railroad company, in the manner prescribed by law, shall be made and executed in behalf of the City and County of San Francisco by the Mayor, and in behalf of each of the other counties by the President or Chairman of the respective Board of Supervisors. Such transfer, in either case, however, to be previously authorized by an order of the Board of Supervisors, to be duly made and entered in their minutes.

Officers prohibited from being interested in sale

SEC. 4. No Supervisor, officer, or Agent of either of said counties or city and county shall become personally interested in the purchase, sale, or exchange of any of said stock or bonds, the purchase, sale, exchange, or negotiation of which shall be effected through, or in pursuance of, or in opposition to, or by the intervention of his action or consent, official or otherwise, since the passage of this Act. Any person violating this provision shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than one thousand nor more than ten thousand dollars, or by imprisonment in the County Jail not exceeding one year, or by both fine and imprisonment.

CHAP. CCCLXXXVII.—*An Act amendatory and supplementary to an Act entitled an Act to regulate the Fees of Officers in the County of Alameda, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said Act is hereby amended so as to read as follows:

FEES OF JUSTICES OF THE PEACE.

Fees.

Section 8. For filing each paper, twenty-five cents.

Issuing any writ or process by which suit is commenced, fifty cents.

For entering each cause upon his docket, fifty cents.

For subpœna to each witness, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For certifying the same, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment, or of arrest, or for the delivery of property, one dollar.

For entering any final judgment, for the first folio, one dollar; for each additional folio, twenty-five cents.

For taking and approving any bond or undertaking required by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking depositions, per folio, twenty cents.

For entering satisfaction of a judgment or suit, twenty-five cents.

For copy of order, judgment, docket, proceeding, or papers in his office, for each folio, twenty cents.

For transcript of judgment, per folio, twenty cents.

For issuing commission to take testimony, one dollar.

For issuing supersedeas to an execution, twenty-five cents.

For making up and transmitting transcript and papers on appeal, or on transfer of an action, two dollars.

For issuing search warrant, one dollar.

For issuing an execution, twenty-five cents.

For celebrating a marriage and returning certificate to the Recorder, five dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal cases, one dollar.

For entering cause without process, one dollar.

For entering judgment without process, by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, order, verdict, or default, twenty-five cents.

[FEES OF CONSTABLES.]

Fees. SEC. 2. Section nine of said Act is hereby amended so as to read as follows:

Section 9. For serving summons in a civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, one dollar and fifty cents.

For taking a bond when required, fifty cents.

For serving a subpœna, for each witness, twenty-five cents.

For serving an attachment against property, one dollar.

For summoning and swearing a jury to try the right of property, and taking the verdict, two dollars.

For taking care of property on attachment, execution, or order, his actual necessary expenses, to be allowed by the Justice who issued the same, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, two per cent, to be charged against the defendant in the execution.

They shall receive for travelling fees, in all civil cases, at the rate of thirty cents per mile, in going only, for the distance necessarily travelled in such service; but when several persons are served in one direction, he shall only charge for the most distant.

For serving a warrant, or order for the delivery of personal property, or making an arrest in civil cases, one dollar.

For services and trial in criminal cases, the same fees as are allowed to Sheriffs for similar services, except attending Court.

[FEES OF SHERIFFS.]

Fees. SEC. 3. The Sheriff of said county shall be allowed to charge and receive for his services the following fees:

For serving summons and complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar.

For travelling to make such service, per mile, in going only, to be computed in all cases from the Court-house of the county, fifty cents.

For taking bond or undertaking, when required, one dollar.

Fees.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, thirty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpœna, for each witness summoned, fifty cents.

For travel in serving a subpœna or venire, per mile, in going only, (but when two or more live in the same direction, travelling fees shall be charged only for the more distant,) fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with travelling fees as on summons, two dollars.

For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in a newspaper, three dollars.

For commissions for receiving and paying over money on execution or process where lands or personal property have been levied upon, advertised, and sold, on the first thousand dollars, four per cent; on all sums above that amount, two per cent.

For commissions for receiving and paying over money on execution or process without levy, or where the property levied shall not be sold, three per cent on the first thousand dollars; for all over, one per cent.

These amounts shall be levied against the defendant in the execution, in the same manner as the judgment is levied.

For drawing and executing a Sheriff's deed, to be paid for by the grantee, five dollars.

For serving a writ of possession or restitution, five dollars, with fifty cents per mile for the distance travelled in serving the same.

For attending when required, by himself or Deputy, on any Court of record, for each day, to be paid out of the County Treasury, five dollars.

For bringing up a prisoner on habeas corpus, or as a witness in any Court, or to give bail, one dollar.

For taking care of property under attachment or execution, or for taking charge of and transporting persons under arrest, he shall receive all his necessary expenditures, to be allowed by the Court.

For holding each inquest or trial of right of property, when required, to include all service in the matter, five dollars.

For making each arrest in a criminal proceeding, two dollars.

For serving each subpœna in criminal proceedings, fifty cents.

For executing each sentence of death, twenty dollars.

For summoning a grand jury, twelve dollars.

For summoning a trial jury, six dollars.

For each additional juror, twenty-five cents.

Where a less number than twelve is agreed upon as a jury, he shall be allowed fifty cents for each juror summoned.

For service of any process in criminal cases, he shall receive for travel, in going only, per mile, fifty cents; and the same mileage for taking prisoners before a Magistrate, or to prison.

In serving subpœnas or venires, he shall receive mileage for the most distant only, where witnesses or jurors live in the same direction.

For services in civil cases in Justices' Courts, he shall receive the same fees as Constables for the same services.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCCLXXXVIII.—*An Act to incorporate the Town of Markleeville.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the Town of Markleeville are hereby incorporated and constituted a body politic, under the name and style of the "Town of Markleeville." Town incorporated.

SEC. 2. The boundaries of said Town of Markleeville shall be laid off and defined by the Board of Trustees first elected, within three months after their election, which said boundaries shall not exceed one mile square, leaving Markleeville as near the centre of said square as may be practicable. Boundaries.

SEC. 3. The corporate powers of said town shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town, annually, on the first Monday in May, and shall hold office for one year, and until their successors are elected and qualified. Board of Trustees.

SEC. 4. The Trustees shall have power to make regulations for securing the health, cleanliness, and good order of the town; to provide for the prevention and extinguishment of fires; to levy taxes, not exceeding fifty cents on each one hundred dollars valuation of taxable property within the limits of the town, for defraying the ordinary expenses of the town, and to fix, by ordinance, the commission of the Marshal for assessing and collecting the same; *provided*, that said Board of Trustees shall not levy any license tax for the carrying on of any business, trade, or profession, nor pass any ordinance requiring any place of business to be closed on the Sabbath or Sunday, or imposing any fine or penalty for keeping any place of business open on said day; to lay out, keep open, and repair, all streets, alleys, and sidewalks, in said town. Powers.

SEC. 5. At the first regular meeting after each annual election, the Board of Trustees chosen at such election shall elect from their number a President, a Treasurer, and a Secretary, and from the town at large, a Marshal, who shall hold their office for one year, unless removed for misconduct or neglect of official duties. No Trustee shall receive any salary or pay for his services as a Trustee or officer of said Board. Officers to be elected.

SEC. 6. The Board of Trustees shall meet on the first Monday of every month, and at such other times as the President may in his judgment deem necessary. Regular meetings of Board.

Limitation of debt. SEC. 7. The indebtedness of said town shall never exceed the sum of three thousand dollars, and any debts or liabilities exceeding that amount shall be null and void.

Conservators of the peace. SEC. 8. Justices of the Peace and Constables shall be conservators of the peace within the limits of said town, and shall have power to enforce all ordinances legally passed by said Board, and on conviction, shall be entitled to the same fees as in suits for State and county purposes for similar services.

Oath to be taken. SEC. 9. All officers elected or appointed by the provisions of this Act shall, before entering upon the duties of their said office, take and subscribe to the constitutional and loyal oath of office now prescribed by law.

President of Board. SEC. 10. The President shall preside over all meetings of the Board, keep order and decorum, and countersign all warrants drawn upon the Treasurer by order of said Board of Trustees.

Duty of Treasurer. SEC. 11. The Treasurer shall take charge of all the moneys belonging to said town, pay all warrants properly signed by the Secretary and countersigned by the President, and keep a correct account of all moneys received and paid out by him, and make due report thereof to the Board once a month. He shall give bonds conditioned for the faithful performance of his duty in such sum as the Board of Trustees may direct.

Of Secretary SEC. 12. It shall be the duty of the Secretary to keep the books, papers, and documents of the Board belonging to the town, to attend all meetings of the Board of Trustees, and keep a record of all its proceedings, sign all warrants issued by order of said Board, and keep an accurate account in a suitable book of all such warrants, their number, and date.

Of Marshal. SEC. 13. The Marshal shall assess and collect all taxes levied by the Board of Trustees, and pay the same over to the Treasurer, taking his receipt for the same, collect and pay over all other moneys coming into his hands by virtue of his said office, and for such purposes shall have the powers conferred by law on Constables. He shall give bond conditioned for the faithful performance of his duties in such sum as the Board of Trustees may direct.

Collection of taxes. SEC. 14. The Board of Trustees shall, by ordinance, fix the amount, time, and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All property sold for unpaid taxes shall be subject to redemption, as property sold for State and county taxes.

Quorum. SEC. 15. A majority of the Trustees shall constitute a quorum to transact business; each member of the Board shall have one vote, and no vote shall be given by proxy.

Ordinances. SEC. 16. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published two weeks in a newspaper published in the Town of Marklee-ville before the same shall take effect and be in force, or by written copies thereof posted in three of the most public places in said town, or by both, as the Board of Trustees may direct.

Moneys collected. SEC. 17. All moneys collected by Justices of the Peace or Constables, under the provisions of this Act, less their legal fees, shall be paid over by them to the Treasurer of said town, taking his receipt therefor, and such officer shall be liable on his bond for all sums so collected by him.

SEC. 18. J. W. Barnes, James W. Smith, and Jer. Marklee shall issue the notice for the first annual election of Trustees, in the manner prescribed in section three of this Act, and appoint Judges, give ten days notice, fix the time and place for the election of Trustees. Said Judges shall issue certificates to the five persons who shall have received the highest number of votes, and shall transmit to the Secretary of the Board the poll and tally list of said election, and all subsequent elections shall be ordered by the Board of Trustees, giving ten days notice, appointing Inspectors and Judges of Election, fixing the time for the return and canvass of the votes, and issuing certificates of elections. First annual election of Trustees.

SEC. 19. No Inspector, Judge, or Clerk of Election, appointed under the provisions of this Act, shall not receive any pay for his services as such Inspector, Judge, or Clerk.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXXIX.—*An Act to settle the Title to Lands in the Village and Town of Branciforte, in the County of Santa Cruz.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the County Surveyor of said county, when called upon by the County Judge, and under his direction, to make a full and accurate survey of the said town, with the lots and parcels of land therein, designating the same by the names of the owner or occupant, and to make or cause to be made two maps or plats of said town, one to be deposited with said County Judge for the use of the town, and one with the County Recorder of said county. Survey of town.

SEC. 2. Immediately after the passage of this Act the County Judge shall cause notice to be put in a newspaper published in said county, to be inserted once a week for the term of three months, requiring every claimant or claimants of any town lot, or lots, or parcels of land, to file in the office of the County Clerk of said county, within three months from the date of the last publication of the notice, a statement of his or their claim, describing particularly the lot, or lots, or parcels of land, setting forth the grounds upon which it is founded, and within sixty days after the expiration of the time limited in the notice as aforesaid, proof of such claim, and payment of the price fixed on the lot, or lots, or parcels of land claimed as hereinafter provided, must be made, and no claim shall be filed or any proof shall be permitted to be made after the terms respectively prescribed in this section. Owners of lots to file statement.

SEC. 3. The expenses incurred in entering and surveying the lands as provided in this Act, and the amount required to be paid for said land at the proper land office, shall be by the said County Judge assessed and apportioned with equality upon all Assessment to pay expenses.

the lots or parcels of land in said town, and no claim shall be allowed or certificate awarded to any claimant or claimants, unless payment be made, if required, of the proportion due from such claimant or claimants.

Evidence required of claimants.

SEC. 4. The evidence required to establish any claim to any lot, or lots, or parcels of land in said town, under the provisions of this Act, shall be that the claimant thereof is a citizen of the United States, or has declared his intention to become such, previous to the filing of his claim, and that said claimant, or he, she, or those under whom he claims, have been in peaceable possession of said lot, or lots, or parcels of land in said town for one year next preceding the passage of this Act.

Disposition of lots when there is no contest.

SEC. 5. The said County Judge shall proceed to dispose of the lots or parcels of land claimed as provided for in this Act, and for that purpose shall, as soon as practicable, examine each and every claim filed as herein provided, and any papers in support of the same, and hear such proof as the claimant or claimants may submit to establish his or their right thereto; and if the same shall be found to comply with the provisions of this Act, and no conflicting claim shall have been filed, the said County Judge shall issue a certificate confirming his or their claim, which certificate may be recorded in the Recorder's office of said county, in like manner and with the same effect as deeds are recorded.

Proceedings when there is a contest.

SEC. 6. In all cases where there shall be a dispute or contest in regard to the title to any lot, or lots, or parcels of land in the said town, the County Judge shall hear the testimony relating thereto, and shall decide upon the same, and enter his decision upon his minutes of said hearing; and thereupon, in case there shall be no appeal from such decision within sixty days from the time the same is so entered, he shall then issue his certificate to the person or persons to whom the said lot, or lots, or parcels of land may have been awarded; and in case any claimant or claimants of any such lot, or lots, or parcels of land as may have been awarded shall feel aggrieved by the said decision, such claimant or claimants may, within sixty days from the time such decision may have been made and entered, commence a proceeding de novo, in the Third Judicial District in and for the County of Santa Cruz, after filing with the County Judge notice thereof, by filing with the Clerk of the said District Court a complaint, and by serving a copy of such notice and complaint on the contesting party, and if there be more than one contesting party claiming also adversely to other contestants, then on each of said parties. The said contestant or contestants shall answer or demur at and within the time provided for in civil actions, and in all respects the pleadings and all proceedings shall be governed by the same rules applicable to actions commenced in a Court of record, with the same right of appeal, and in the same manner, to the Supreme Court; and when notice of appeal to said District Court shall be filed with the County Judge, his power to issue a certificate, as provided for in this section, shall be suspended until the appeal be dismissed or be finally determined; and upon such dismissal or other final determination, he shall issue said certificate to the party found by such determination entitled thereto; *provided*,

that any appeal from the District Court to the Supreme Court, in any such case, shall be taken within thirty days from the final determination thereof by the District Court.

Certificates to be prima facie evidence of title.

SEC. 7. The certificate herein mentioned, or certified copies of the same, under the hand of the County Recorder, shall be deemed and taken in all Courts of justice as prima facie evidence of the facts stated therein, and as conveying a title to the holder or person or persons in whose favor the same may be issued; *provided*, that when there shall have been a dispute or contest, as provided in section sixth of this Act, and the party aggrieved shall, within sixty days, prosecute his or their rights in the proper tribunal, the provisions of this section as to the effect of a certificate shall not be applicable, but the rights of the parties before such tribunal shall be adjudicated on their original claims, as though no confirmation had been made.

Proviso.

Unimproved lots.

SEC. 8. All lots or parcels of land remaining unproved at the expiration of the time specified in section second of this Act, shall be deemed as property of the said town in which they are situated, and shall be held as such in trust by the County Judge.

Patent.

SEC. 9. Whenever a patent shall issue to said town under the existing laws of Congress, it shall inure to the several benefit of those whose claims have been confirmed and to whom certificates have issued, to every intent as though the same had been issued directly to them, without any further or additional conveyance; and it is hereby made the duty of the County Judge to cause said patent, when so issued, to be recorded in the Recorder's office of said county.

CHAP. CCCXC.—*An Act to amend an Act entitled an Act to amend an Act to provide for the collection of Taxes on Personal Property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Sale of personal property.

Section 7. In seizing and selling property in accordance with section six of this Act, the Tax Collector shall be governed by his judgment as to the quantity necessary to satisfy the taxes due and costs, and should the quantity taken by him prove more than necessary for the purpose named, the portion remaining unsold may be left at the place of sale at the risk of and subject to the order of the person or persons delinquent, and all proceeds of sales over and above the amount due for taxes and costs shall be returned by the Tax Collector to the person or persons on whose account the sale was made; and in case said person or persons cannot be found, or shall decline to

receive said balance, then the Tax Collector shall deposit the amount with the County Treasurer, subject to the order of said person or persons, and if the same be not demanded within six months from the date of deposit, then the Treasurer shall pay the same into the County Treasury. And when no sufficient visible property can be found to pay said taxes and costs, or when the Tax Collector is in doubt whether said visible property is owned by the party taxed, or whether he has a legal right to seize the same, or when the property of an incorporated company shall be assessed, and the owner or owners of such personal property, seizable under section six of the said Act of May ninth, eighteen hundred and sixty-two, or such incorporated companies do not pay said taxes on or before the first Monday of August of each year, it shall be the duty of the Tax Collector to commence an action against the owner or owners of such personal property, or against the person or persons taxed, or such incorporated company or companies, in the name of The People of the State of California, in any Court in said city and county of competent jurisdiction, for the amount of taxes against said personal property, or said persons, or said companies. And it is hereby made the duty of the District Attorney of said city and county to prosecute said action whenever required by the Tax Collector aforesaid; and if judgment shall be obtained against the defendants in said action, ten per cent over and above the amount due shall be taxed and added to the costs against the defendants for Attorney's fees and all other costs of prosecution; said ten per cent to be paid into the Urgent Necessity Fund of said city and county.

Property of incorporated companies.

SEC. 2. The said Act to which this is an amendment, approved April twenty-seventh, eighteen hundred and sixty-three, is hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCI.—*An Act to establish Police Regulations for the Harbor of the City and County of San Francisco, and to authorize and empower the Board of Supervisors to regulate the same.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person shall board or attempt to board any vessel arriving in the harbor of the City and County of San Francisco before said vessel has been made fast to the wharf, without obtaining leave from the Master or person having charge of said vessel, or permission, in writing, from the owner or owners, or the Agent thereof, or having boarded such vessel, shall refuse or neglect to leave the same upon request of the Master or other person in charge thereof, under the penalty prescribed in the next succeeding section of this Act.

Vessels not to be boarded until made fast to a wharf.

SEC. 2. Any person violating section one of this Act shall be

deemed guilty of a misdemeanor, and upon conviction thereof before the Police Judge's Court of said city and county, shall be punished for each offence by a fine not exceeding one hundred dollars, or imprisonment in the County Jail of the City and County of San Francisco for a term not exceeding fifty days, or both, in the discretion of the Judge of the said Police Judge's Court, which Court shall have jurisdiction in such cases. Penalty.

SEC. 3. The provisions of the last two foregoing sections shall not apply to any Pilot or public officer visiting a vessel in discharge of his duty. Pilots, etc., excepted.

SEC. 4. No person shall entice or persuade nor attempt to entice or persuade any member of the crew of any vessel arriving in said harbor, or of any vessel in said harbor, to leave or desert said vessel before the expiration of his term of service in such vessel. Any person guilty of so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalty prescribed in section two of this Act. Penalty for enticing a sailor to desert.

SEC. 5. No person shall knowingly and wilfully persuade or aid any person who shall have shipped on any vessel for a voyage from said port, and received any advance wages therefor, to desert or wilfully neglect to proceed on such voyage. Any person guilty of so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Police Judge's Court of said city and county shall be punished for each offence by a fine not exceeding one hundred dollars, or imprisonment in the County Jail of the City and County of San Francisco for a term not exceeding fifty days, or both, in the discretion of the Judge of the said Police Judge's Court, which Court shall have jurisdiction in such cases. For a man shipped for a voyage.

SEC. 6. Any person offending against any provision of this Act may be arrested, with or without warrant, as provided in other cases of misdemeanor, by any officer qualified to serve criminal process in the said City and County of San Francisco; *provided*, the person so arrested shall be forthwith brought before said Police Judge's Court or admitted to bail, as in other cases of misdemeanor committed in said City and County of San Francisco.

SEC. 7. The word "Harbor," as used in this Act, shall be held to mean and include all the waters of the Bay of San Francisco within the limits of the said City and County of San Francisco; and the word "Vessel," as used in this Act, shall be held to mean and include all vessels propelled by steam or sails plying or bound on a voyage between the said port of San Francisco and any other port in this State, or in any other State of the United States, or in any foreign country. Terms defined.

SEC. 8. The Board of Supervisors of said City and County of San Francisco shall cause this Act to be printed in cheap pamphlet form, and it shall be the duty of each and every Branch Pilot of the port of San Francisco to obtain from the Clerk of the Board of Supervisors of said city and county a reasonable supply of said pamphlets, and to deliver one copy of the same to the Master or person in charge of each and every vessel boarded by him as a Pilot, whether the said Pilot is employed to bring such vessel into said port or not. Pilots to circulate Act.

SEC. 9. Any Branch Pilot refusing or neglecting to perform

Penalty for neglect.

the requirements set forth in the last preceding section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before the Police Judge's Court of said city and county be fined in the sum of ten dollars, or be imprisoned in the County Jail for the term of twenty-five days, or both, in the discretion of the Judge of said Police Judge's Court, which said Court is hereby given jurisdiction in such cases.

CHAP. CCCXCII.—*An Act to amend an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of the above entitled Act is hereby amended so as to read as follows:

5th District.

Section 7. The Fifth Judicial District shall be composed of the Counties of San Joaquin, Tuolumne, Mono, and Alpine.

SEC. 2. Section thirteen of the above entitled Act is hereby amended so as to read as follows:

2d District.

Section 13. The Second Judicial District shall be composed of the Counties of Tehama, Butte, Plumas, and Lassen.

CHAP. CCCXCIII.—*An Act to amend an Act entitled an Act concerning Hogs running at large in the County of Solano.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Trespassing of hogs.

SECTION 1. Any hog or hogs found trespassing upon the premises of any person or persons in the County of Solano, may be taken up by the owner or owners of such premises, and safely kept at the expense of the owner or owners of such hog or hogs so found trespassing, and be subject to all the provisions of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth sections of an Act of March twenty-sixth, eighteen hundred and fifty-seven, concerning hogs running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa; *provided*, this Act shall not be in force as to any hog or hogs owned in said Solano County between the fifteenth day of August and the thirty-first day of December of each year.

SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as they relate to Solano County, are hereby repealed.

CHAP. CCCXCIV.—*An Act to extend the provisions of an Act entitled an Act to appropriate Funds for the defence of the State, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of an Act entitled an Act to appropriate funds for the defence of the State, approved April twenty-fifth, eighteen hundred and sixty-three, are hereby extended to apply to all military companies now organized and not yet provided with uniforms, and to all companies which may hereafter be organized under the military laws of the State; *provided*, the whole number of companies in this State shall not exceed one hundred and forty companies of infantry and rifles, twenty companies of cavalry, and such batteries as may be authorized by the Commander-in-Chief, and that no company shall be entitled to the benefits of this Act that does not contain forty three members rank and file. Provisions of Act extended. Proviso.

SEC. 2. For the purpose of carrying out the provisions of this Act, the sum of eighty thousand dollars is hereby appropriated, out of any money in the State Treasury not otherwise appropriated; and the Controller is hereby required to draw his warrants on the Treasurer, and the Treasurer to pay the same in like manner as now provided by law. Appropriation.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXCV.—*An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Placer.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. At the general election held in the year one thousand eight hundred and sixty-four there shall be elected in each township in said county one Road Commissioner, who shall hold his office for the term of one year from the first day of December subsequent to his election, or until his successor is elected and qualified, and who shall qualify as is hereinafter provided; and at the general election for county officers held in the year one thousand eight hundred and sixty-five, and every two years thereafter, there shall be elected in each township in said county one Road Commissioner, who shall hold his office for the term of two years, commencing on the first day of December subse- Road Commissioner.

quent to his election. Said Commissioner shall, within twenty days after being duly notified of his election by the County Clerk of said county, qualify in the same manner as other township officers, and shall file a bond in the Clerk's office of said county in such sum, not to exceed five thousand dollars, as may be required by the Board of Supervisors of said county, with two or more good and sufficient sureties, to be approved by the County Judge.

CHAP. CCCXCVI.—*An Act to legalize the Official Bond of J. W. Dickinson, Treasurer of Placer County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds approved.

SECTION 1. The official bond of J. W. Dickinson, as Treasurer of Placer County, approved by the County Judge of said county on the twenty-first day of November, eighteen hundred and sixty-three, and filed in the Clerk's office of said county on the same day, is hereby legalized and approved, and the same shall be sufficient for all purposes to enable said Dickinson to enter on the discharge of the duties of his office as Treasurer of said county.

Act construed.

SEC. 2. Nothing in this Act shall be construed to take away or impair any power which the Board of Supervisors of said county may have under any existing law, to require of said Dickinson new or additional bonds.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCXCVII.—*An Act to amend an Act concerning Grand and Trial Jurors, passed April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen of the Act entitled an Act concerning grand and trial jurors, passed April twenty-seventh, A. D. eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Jurors summoned after commencement of term.

Section 18. At the opening of the Court on the day trial jurors have been summoned to appear, the Clerk of said Court shall call the names on the certified list, and the Court may then hear the excuses of jurors in attendance. If, afterwards, there shall not be a sufficient number of jurors remaining to form a trial jury, or if from any cause it shall become necessary at any time during the term to have additional trial jurors,

or to form a new or additional trial jury, the Court shall, by entry on its minutes of the fact, direct the Sheriff to summon, either immediately, or for a day fixed, from the citizens of the county, but not from the by-standers, a sufficient number of persons possessing the qualifications of jurors prescribed by this Act to complete or form a trial jury, as the case may be. The persons thus summoned shall be as competent in all respects as if drawn and summoned before the commencement of the term.

CHAP. CCCXCVIII.—*An Act relating to the First Judicial District, and to fix the time for holding the Courts in said District.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms fixed

SECTION 1. The terms of the District Court of the First Judicial District shall be held as follows: In the County of San Diego, on the first Monday of October and third Monday of April of each year; in the County of San Bernardino, on the first Monday of April and September of each year; in the County of Los Angeles, on the first Monday of February, May, and November of each year; in the County of Santa Barbara, on the first Monday of June and December of each year; in the County of San Luis Obispo, on the first Monday of March and August of each year.

Special terms.

SEC. 2. Special terms of the District Court may, in the discretion of the Judge, be held in each of said counties composing the First Judicial District whenever, in the opinion of the bar in each county in said district, the public interest requires the same.

Notice of, to be given.

SEC. 3. Whenever a special term of said Court shall be called in either of said counties, the Clerk of such Court shall, on receipt of the order of the Judge calling the same, give notice thereof, by posting a notice at the Court-house door, or by publication in a newspaper of the county.

Act repealed.

SEC. 4. So much of an Act entitled an Act providing for the time of holding the several Courts of record of this State, approved April twenty-seventh, eighteen hundred and sixty-three, as relates to the time of holding the terms of the District Court in the First Judicial District, is hereby repealed.

SEC. 5. This Act shall take effect from and after the first day of May, A. D. eighteen hundred and sixty-four.

CHAP. CCCXCIX.—*An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and fifteen of said Act is amended so as to read as follows:

Execution may issue after death of party.

[Section 215.] Notwithstanding the death of a party after the judgment, execution thereon may be issued, in case of the death of the plaintiff, the same as if he were living, upon the application of his Executor, or Administrator, or successor in interest, by the Court in which the judgment was rendered or exists. And in case of the decease of the defendant, if the judgment be for the recovery of real or personal property, execution may be issued and executed against the property recovered in the same manner and with the same effect as if he were still living.

SEC. 2. This Act shall go into effect immediately.

CHAP. CCCC.—*An Act making Appropriations for Deficiencies in the Appropriations made for the Fourteenth and Fifteenth Fiscal Years, ending on the thirtieth day of June, eighteen hundred and sixty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriations.

SECTION 1. The following sums of money are hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the objects herein named, to wit:

For postage, expressage, and telegraphing in Governor's office, three hundred dollars.

For contingent expenses of Board of Examiners, two hundred dollars.

For stationery, lights, and fuel for the office of Secretary of State, four thousand dollars.

For expressage in Controller's office from February first to July first, eighteen hundred and sixty-four, nine hundred dollars.

For pay of Porter in Controller's office from January first to July first, eighteen hundred and sixty-four, one hundred and twenty-five dollars.

For contingent expenses in the office of Controller of State, seventy-five dollars.

For prosecution of delinquents, seven hundred and fifty dollars—to be expended under the direction of the Controller of State.

For carrying out the provisions of the Stamp Act for the fifteenth fiscal year, nine hundred and twenty-five dollars. Appropriations.

For salaries of Stamp Inspectors, and expenses incurred for enforcing the provisions of the Act, two thousand dollars.

For salary of C. L. Scudder, as extra License Clerk in the office of Controller of State, for the month of April, eighteen hundred and sixty-three, one hundred and fifty dollars.

For contingent expenses and binding books in the office of the Surveyor-General, one hundred and fifty dollars.

For salary of Superintendent of Public Instruction for the month of June, eighteen hundred and sixty-three, two hundred and fifty dollars.

For stationery, lights, and fuel in the office of Superintendent of Public Instruction, fifty dollars.

For travelling expenses for Superintendent of Public Instruction, sixty-six dollars.

For expenditures in State Insane Asylum, forty-eight thousand four hundred and twelve dollars and seventy cents.

For State printing in the office of State Printer, twenty-five thousand dollars.

For salary of J. W. Dodge, as Clerk in the office of the Adjutant-General, for the month of June, eighteen hundred and sixty-three, one hundred and fifty dollars.

For balance due R. H. Daly, for services as Clerk in the Adjutant-General's office for the month of June, eighteen hundred and sixty-three, forty-five dollars.

For salary of O. B. Fogle, for services as Clerk in the Adjutant-General's office, six days in June, eighteen hundred and sixty-three, thirty dollars.

For rent of State Arsenal, four hundred and fifty dollars.

For pay of Clerks in the Adjutant-General's office, fifteen hundred and seventy dollars.

For postage and expressage in the office of the Adjutant-General, two hundred dollars.

For rent of office for Adjutant-General, eighty-five dollars.

For cleaning, repairing, and transportation of arms, fifteen hundred dollars.

For money to defray incidental expenses of Supreme Court for the year eighteen hundred and sixty-three, one hundred and sixty-two dollars and sixty-four cents.

For rent of Supreme Court rooms, five hundred and eighty dollars.

For salary of H. N. Cummings, for services as Special License Clerk in the Controller's office, for the months of June and July, eighteen hundred and sixty-three, three hundred dollars.

For costs and expenses of suits where the State is a party in interest, to be expended under the direction of the Attorney-General, one thousand dollars.

For extra services of Albert Hart, as Porter of State Library, two hundred dollars.

For extra services of W. L. Hawkins in State Library for the present session of the Legislature, two hundred dollars.

For translating into Spanish, during the present session of the Legislature, Governor Low's inaugural address, second annual message of Governor Stanford, and the annual reports of the

Controller, Treasurer, Surveyor-General, Adjutant-General, and Superintendent of Public Instruction, two thousand five hundred and fifty dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCI.—*An Act providing for the Time of holding the Terms of the District Court in Merced County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms fixed.

SECTION 1. There shall be held in the County of Merced terms of the District Court as follows: On the fourth Monday of January, May, and September.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCII.—*An Act to authorize the Board of Supervisors of Calaveras County to take and subscribe Twenty Thousand Dollars to the Capital Stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, and to provide for the payment of the same.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition to be submitted to the people.

SECTION 1. At the special election to be held in the County of Calaveras on the twelfth day of April, A. D. eighteen hundred and sixty-four, for the purpose of submitting to the qualified electors of said county the proposition of authorizing the Board of Supervisors of said county to take and subscribe fifty thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, there shall also be submitted the proposition of authorizing the Board of Supervisors to take and subscribe twenty thousand dollars to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company, said road commencing at Campo Seco, passing through the Village of Mokelumne Hill, thence on to the neighborhood of the Big Meadows, and connecting with the Big Tree and Carson Valley Turnpike Company's road.

SEC. 2. The manner of holding the election and of voting upon said proposition shall be in all respects the same as is provided in the Act alluded to in section one of this Act, and Acts amendatory thereto.

If successful the county to subscribe

SEC. 3. If at the said election a greater number of the electors of said county shall vote "Yes" than shall vote "No" upon the proposition above mentioned, then and in that event, the Board

of Supervisors of said county, in the name of said county, are hereby authorized, empowered, and directed, immediately after the results of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of the County of Calaveras, to the capital stock of the Campo Seco and Mokelumne Hill Turnpike Road Company stock to the amount of twenty thousand dollars, and therefor to pledge the faith of the said County of Calaveras for the same in the manner hereinafter provided; *provided*, that the said company shall have incorporated and duly organized under the laws of this State on or before the day of the said election.

Who shall subscribe.

SEC. 4. The said subscription shall be made by a committee of two members of the said Board of Supervisors, to be appointed by an order of said Board for that purpose, who shall perform that duty immediately thereafter.

Conditions.

SEC. 5. The said subscription shall be made and so conditioned to be paid in the bonds of said county to be issued as hereinafter directed, and not otherwise, and for such subscription said bonds shall be received at par, dollar for dollar.

Loan Commissioners appointed.

SEC. 6. The said Board of Supervisors of the County of Calaveras, from time to time, as the payment of such subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of said turnpike company, in the same manner and upon the same terms as other stockholders, shall by order direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners to issue bonds, in the sums of one thousand dollars, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county. The interest accruing on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in the coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio Loan Commissioners, and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk in the presence of a quorum of such Board at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of such bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk, and upon the countersigning of said bonds it shall be the duty of said Board of Supervisors to cause the seal of the county to be fixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said turnpike company, to whom

Bonds to be issued.

the same shall be issued, and said committee shall take a receipt from the Secretary of said company for the bonds so delivered by them, setting forth the number, date, and amount of the bonds so delivered, and report the same to the Board of Supervisors.

Coupons. SEC. 7. Coupons for the interest shall be attached to each bond, so that the same may be detached without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "cancelled" on the back thereof, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Interest tax levied. SEC. 8. It shall be the duty of the Board of Supervisors, previous to the making out of the duplicate of the general assessment list for said county in each year so long as said bonds shall be outstanding and unpaid, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued under the provisions of this Act; and previous to the making out of the duplicate of the general assessment list of said county in the year eighteen hundred and sixty-nine, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding fifteen cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a [Fund] for the liquidation of said bonds, which shall be styled the "Campo Seco and Mokelumne Hill Turnpike Road Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, who shall account for and deliver the same over to the Loan Commissioners, to be by them applied:

First—The Interest Tax, to the payment of the interest falling due on said bonds.

Second—The Load Fund, to the redemption of said bonds as hereinafter provided.

Surplus money. SEC. 9. Should there be collected as such interest tax in any one year a sum greater than is required to pay the annual interest on said bonds issued under this Act, then the said Loan Commissioners shall pass over the surplus to the Loan Fund.

Payment of interest. SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on the said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of the county for such purpose, and deliver the same to the Commissioners, and in the event those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the county.

SEC. 11. Whenever at any time there shall be in the said Loan Fund a sum of money amounting to two thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, for the space of four weeks, for sealed proposals for the redemption of said bonds, and ten days after the expiration of the time of such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the Commissioners to advertise in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds shall be by the Commissioners paid over to the County Treasurer, to be by him held subject to the order of the Board of Supervisors of the county. Redemption of bonds.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the Commissioners, they shall mark the same "cancelled" over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office. When redeemed to be cancelled.

SEC. 13. The County Clerk shall open with the said Commissioners an "Interest Tax Account" and a "Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January of each year. Accounts to be opened.

SEC. 14. The said Commissioners and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected on the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may and they are hereby authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds of each of said Commissioners shall not exceed five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, Liability officers.

and to be approved by the said Board of Supervisors, and filed in the office of the County Clerk.

Person representing stock of county.

SEC. 15. The said Board of Supervisors shall have authority to empower one or more of their number, or other person or persons, to cast any or all vote or votes representing the capital stock subscribed by said Board of Supervisors. The said turnpike company shall, on demand, issue and deliver to the said Board of Supervisors, for the use and benefit of the said county, certificates of full paid stock in said turnpike company equal in amount to the amount of the county bonds that said Board of Supervisors have or shall have delivered to said turnpike company. The said Board of Supervisors shall have power to sell or cause to be sold the said turnpike company stock at public auction, in the town of Mokelumne Hill, in said County of Calaveras, or at the City of San Francisco, after the time and place of sale shall have been advertised by publication, once a week for the period of at least four weeks, in two newspapers of general circulation, one published in the County of Calaveras and the other in the said City of San Francisco. The proceeds of such sale or sales of stock, after the payment of the expenses of the sale, shall be paid into the Loan Fund, to be used and appropriated as in this Act provided.

Disposition of profits arising from stock.

SEC. 16. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to the county from time to time, to the Loan Fund, to be applied by the Loan Commissioners to the payment of the interest on the bonds, as herein provided, and the redemption of the principal thereof, in the manner provided in section eleven of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits arising from such stock subscription shall be applied as follows: One third part thereof to the School Fund of said county, and the other two thirds to the General Fund.

Conditions of the subscription.

SEC. 17. The subscription of stock authorized by this Act shall be made by said Board of Supervisors on the books of said company upon express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed, and this provision as to the liability of the county shall be a part of and be expressly stipulated in all contracts made by said company for the construction of said turnpike road. And in case said company shall fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover of said company any previous payments that may have been made thereon at the time of such failure or refusal.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCIII.—*An Act to authorize the Board of Supervisors of Humboldt County to annul certain Bonds.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Humboldt are hereby authorized to annul any bond or bonds which may have been executed to said county for the purpose of securing the payment of the principal and interest due on township School Lands in said county; *provided*, said Board shall in no case refund any money which may have been paid on said bonds. Bonds annulled.

SEC. 2. All persons desiring the benefit of the provisions of this Act, shall file a petition with the Clerk of said Board of Supervisors, setting forth that all claim to the land described therein, by virtue of any purchase made, and all claim for money paid as principal or interest thereon, if any such has been paid, is by him, her, or them abandoned. Benefits of the Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCIV.—*An Act to amend an Act supplementary to an Act to amend an Act to prevent Trespassing of Animals upon Private Property, approved the seventeenth day of May, one thousand eight hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of said Act is hereby amended so as to read as follows:

Section 1. It shall not be lawful for any person or persons who are the owner, or owners, or managers of any horses, mares, mules, jacks, jennets, horned cattle, or sheep, to turn loose, or drive, or let run, or graze upon the land of any owner or legal occupant, without the consent of said owner or legal occupant, to pasture and maintain the same; and the owner, or owners, or managers of such animals shall, upon written notice being given by the owner or occupants of the lands so trespassed upon, remove such animals within five days after such notice, and if not so removed, then the owners or occupants of the land so trespassed upon may make complaint before any Justice of the Peace of the county, who shall, upon proof being given, order such animals to be removed forthwith, and if not so removed, then such owner, or owners, or managers of such animals shall, in the discretion of the Justice, be fined in a sum not less than ten nor more than one hundred dollars, and all costs; and if the trespass be repeated by the neglect of the owners or managers of such animals, he or they shall, for the second and After notice to the owner the animal must be removed. Penalty for neglect.

every subsequent offence or trespass, be subject to double such fine, all of which fines to be paid to the County Treasurer, one half of which to be applied to the Common School Fund of the county.

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

Section 3. This Act shall apply only to the County of Los Angeles, and Chino Township, in the County of San Bernardino.

CHAP. CCCCV.—*An Act to establish the Lines and Grades of Streets in the City and County of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Lines and Grades.

SECTION 1. The City and County of San Francisco is authorized, as in this Act provided, to establish the lines and grades of the streets in said city and county lying within the corporate limits of the City of San Francisco as defined in an Act entitled an Act to incorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-one, and for that purpose a Board of Civil Engineers is hereby constituted, composed of the City and County Surveyor, and Thaddeus R. Brooks, who shall be known as the "Board of City Engineers,"

Surveys.

who shall proceed, as soon as practicable, to survey and to complete surveys already commenced of all the streets and fix the lines therof within the limits above mentioned, and to make a map or maps thereof, showing thereon the width of every street, to fix monuments for the preservation of the street lines so established, and to prepare and file in the office of the City and County Surveyor a complete record of the monuments so fixed; and the lines so established by said Board shall conform as far as possible with the original base lines of the city survey.

Profiles of streets.

SEC. 2. Said Board shall, after making a careful survey thereof, make profiles of all the streets within said limits west and south of Larkin and Johnson or Ninth streets, and legibly designate on said profiles such lines of elevation or grade as they shall deem suitable to establish a permanent grade for said streets.

Property owners may object to grades as established by surveys.

SEC. 3. The Board having completed their survey, maps, and profiles, or either, shall deliver the same with a written report to the Board of Supervisors of said city and county, who shall thereupon publish a notice for three weeks, stating that such report has been made, and that the same, with the maps or profiles, are open for public inspection in the office of the Clerk of the Board of Supervisors, where the same shall be kept during the publication of said notice. Any property owner dissatisfied with such maps or profiles may at any time within three weeks after the first publication of said notice, file with the Clerk of the Board of Supervisors objections thereto in writing,

stating specifically the grounds and reasons of such objections, and the Clerk shall indorse thereon the date of such filing. After the expiration of said notice, in case such objections are so filed, the Clerk shall cause said maps or profiles, together with the written objections thereto, to be returned to said Board of City Engineers, who may, after duly considering such objections, modify their report, maps, and profiles, if they deem proper. In case no written objections are so filed, or being filed, and the same being thus considered by the Board of City Engineers, the said maps or profile, or both, shall be finally submitted to the Board of Supervisors, who shall approve or reject the same, and if the same shall be finally approved and adopted by an order of the said Board of Supervisors, then such maps and profiles shall stand as the legal and valid official plan of said city to determine the lines of the streets and the grades thereof.

Survey west and south of Larkin and Johnson streets.

SEC. 4. In making the survey of that part of the city to the west and south of Larkin and Johnson or Ninth streets, said Board shall make the same conform, as far as possible, to the official plan or map of the Western Addition, made by the Commissioners appointed by Ordinance Number Eight Hundred and Forty-Five of the City of San Francisco, conforming also to the lines and grades, as far as practicable, of the streets to the east and northeast of the streets last named, observing the original base lines of the City Survey, so far as they can be ascertained.

Maps, etc., to be filed with City Surveyor.

SEC. 5. The maps and profiles, when approved by the Board of Supervisors, shall also be certified by said Board of City Engineers, by their certificate indorsed thereon, and by them subscribed. All their surveys, field notes, and records, and the map or maps designating the lines of the streets, and the width of the same, and the size of each block, on the completion of their duties as herein prescribed, shall be deposited with and kept by the City and County Surveyor as a part of the records of his office, and shall be and remain the property of the City and County of San Francisco.

Compensation of Engineers.

SEC. 6. The Board of Supervisors shall determine the amount of compensation to be paid to said Board of Engineers, and shall also allow them the necessary assistants, and provide suitable rooms for their use while engaged in the work authorized by this Act, and furnish the necessary instruments, books, stationery, and office furniture, and also furnish suitable monuments of iron, stone, or wood, for the purposes mentioned in section one of this Act; all of which shall be obtained by said Board of Engineers, by their requisition upon the Board of Supervisors, in the mode prescribed in section nine of the Act entitled an Act to fix and regulate the salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one; *provided*, that no payments shall be made by said Engineers on account of their compensation until after the completion of their duties as herein provided; and, *provided*, further, that no compensation shall be allowed or paid to said Engineers for any services performed after the first day of August, A. D. one thousand eight hundred and sixty-four. Every item of expense authorized by this Act, before it becomes a claim or debt against said city and county,

shall first be allowed and ordered paid by the Board of Supervisors, and audited by the Auditor, when the same shall be paid by the Treasurer out of the General Fund of the City and County of San Francisco; *provided*, further, that the amount of money expended under the provisions of this Act, including salaries of Engineers, shall not exceed eight thousand dollars.

Vacancy in Board of Engineers.

SEC. 7. In case of vacancy in said Board of City Engineers, the Mayor shall fill such vacancy by the appointment of some competent Civil Engineer, which appointment shall be subject to the approval of the Board of Supervisors.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after the date of its passage.

CHAP. CCCCVI.—*An Act to amend an Act entitled an Act concerning Grand and Trial Jurors, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Qualification

First—A citizen of the United States, a qualified elector of the county, and a resident of the township at least three months before being selected and returned.

Second—In possession of his natural faculties.

Third—Who has sufficient knowledge of the language in which the proceedings of the Courts are had; *provided*, that the requirement of this third subdivision of section one shall not apply to the Counties of Monterey, San Luis Obispo, Santa Barbara, Los Angeles, San Bernardino, and San Diego.

Fourth—Assessed on the last assessment roll of his township or county on real or personal property, or both, belonging to him, if a resident at the time of the assessment.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCVII.—*An Act to authorize the Sale and Conveyance to the Golden City Homestead Association of certain Overflowed Lands in the City and County of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appraisal of lands.

SECTION 1. The Commissioners of Swamp and Overflowed Lands are authorized, whenever requested by the officers of the Golden City Homestead Association, to appraise the value of the lands belonging to the State in front of the lands of said association at the Potrero Nuevo, in the City and County of San Francisco, commencing at the boundary of the lands of said association as shown by the map and survey of the said Potrero Nuevo made by William J. Lewis, in the year one thousand eight hundred and fifty-six, and extending in an easterly direction to the easterly line of Massachusetts street, as shown by said map; and said Board of Swamp Land Commissioners shall certify the amount found to be the value of said land to the Treasurer of the State, and also to the Surveyor-General. And upon the approval of the survey of the County Surveyor by the Surveyor-General, and upon the payment to the Treasurer of the State, to the credit of the Wharf and Dock Fund, of the amount so found to be the value of said land, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon a patent shall issue for said land to said corporation.

Surveyor-General to approve survey.

SEC. 2. Within thirty days after the appraisement by said Commissioners, the Surveyor of the City and County of San Francisco shall make out a plat and field notes of said survey. He shall, within ten days thereafter, record the same in his office, and forward duplicate certified copies of the same to the Surveyor-General, and it shall be the duty of the Surveyor-General, upon examination and approval of said survey, to return one of the duplicate copies, with his approval indorsed thereon, to said County Surveyor, to be by him delivered to the parties desiring the survey; *provided*, said approval and return of duplicate shall be within ten days after the receipt of said plat and field notes.

Expense of survey.

SEC. 3. All expenses attending said appraisement by the Commissioners, together with all the costs incident to an accurate survey of the said lands by the Surveyor of the City and County of San Francisco, shall be paid by said association.

Collection of tolls, etc., prohibited.

SEC. 4. The said association or its assigns shall not have the power to make any use of said lands or any part thereof that shall interfere with the navigation of the Bay of San Francisco; *provided*, that neither the said association, nor its employés, Agents, successors, or assigns, shall have any right to levy or collect any tolls, dockage, or wharfage on said lands.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCVIII.—*An Act amendatory of an Act entitled an Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature, approved April twenty-first, eighteen hundred and fifty-six.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Per diem and mileage of members.

Section 3. Members of the Legislature shall receive ten dollars per diem during the session of the Legislature, and four dollars for every twenty miles of travel by the nearest mail route from their residences to the place of holding the session, and in returning therefrom.

CHAP. CCCCIX.—*An Act to grant to the San Francisco Cordage Company the right to construct a Wharf in the Bay of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Construction of wharf.

SECTION 1. The San Francisco Cordage Company, their successors, and assigns, are hereby authorized to construct a wharf at Point San Quentin, on the Bay of San Francisco, in front of the ropewalk belonging to said company, and to maintain the same for a period of twenty years, at the expiration of which time the same shall revert to the State.

SEC. 2. For the purposes of said wharf said company may occupy the Swamp and Overflowed Lands of the State to the extent of two hundred feet in width, extending in a direct line toward ship channel until a depth of eight feet of water at low tide is reached.

Collection of wharfage prohibited.

SEC. 3. Said wharf shall be so constructed as not to interfere with free navigation of the bay or with any general system of harbor improvement hereafter adopted, and no tolls, wharfage, or dockage, shall ever be charged thereon.

SEC. 4. Said wharf shall be commenced within three months and completed within eighteen months after this Act takes effect.

CHAP. CCCCX.—*An Act to amend an Act entitled an Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of the above entitled Act is hereby amended so as to read as follows:

Section 9. Nothing in this Act shall be so construed as to apply to the Counties of Butte, Amador, Tuolumne, San Diego, Nevada, San Bernardino, Colusa, Placer, Santa Barbara, Yuba, Trinity, Shasta, Klamath, and Siskiyou; and said counties are hereby excepted and excluded from the provisions of this Act. Counties exempt.

CHAP. CCCCXI.—*An Act amendatory of and supplementary to an Act in relation to Liens of Mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All original contractors, artisans, machinists, builders, mechanics, lumber merchants, and other persons making original contracts for the construction, repair, or furnishing materials for the construction or repairs of any wagon road or railroad, shall have a lien upon said material, and upon the wagon road or railroad aforesaid, for the work and labor done or materials furnished by each, respectively, upon the terms, for the uses and benefits, and upon the trusts hereinafter mentioned, to the extent of the original contract price; and such contract shall operate as a lien in favor of all sub-contractors, laborers, and material men, who shall perform labor or furnish material for construction or repair of such wagon road or railroad, to the extent of the original contract price; and all the provisions of an Act entitled an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two, are hereby declared to be in full force and effect in so far as it relates to wagon roads and railroads, the same as to any building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, as though they had been in the original bill relating to the liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two. Liens on wagon and railroads.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCXII.—*An Act amendatory of an Act entitled an Act creating the Offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and fifty-two,* [*sixty-two.*]

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of said Act is hereby amended so as to read as follows:

Assessment rolls. Section 14. On or before the first Monday in August each Township Assessor shall complete his assessment roll, and make and subscribe before the Clerk of the Board of Supervisors of his county an affidavit, which shall be attached to his assessment roll, which shall be substantially in the following form:

Affidavit. "I, A——— B———, do solemnly swear that the foregoing is a true and correct assessment roll of my township, in the county of ———; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every case demanded from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent, of each corporation, association, or company, within my township, when such person could be found, a statement, under oath, of all the taxable property of such person and firm, corporation, association, or company, and that I have impartially assessed the value of all property within my township. So help me, God."

And at the same time he shall deliver it to the Clerk of the Board of Supervisors, who shall from that time keep the same open for inspection in his office until the meeting of the Board of Equalization.

SEC. 2. Section fifteen of said Act is hereby amended so as to read as follows:

Changes and corrections. Section 15. During the session of the Board of Equalization the Clerk thereof shall enter upon the assessment roll of each township all changes and corrections made by the Board, and shall, on their adjournment, forthwith deliver the assessment rolls, so corrected, to the County Auditor, whose duty shall be to add up the columns of valuation of each township, and, on or before the first Monday of September, he shall deliver a true copy of the corrected assessment roll of each township, to be styled a "Duplicate Assessment Roll," with the State, county, and other taxes of each person carried out in separate columns, with his certificate and seal attached thereto, to the Collector for which [the] assessment roll was made.

SEC. 3. The provisions of this Act as amended shall only apply to the County of El Dorado.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCXIII.—*An Act amendatory of and supplementary to an Act, passed March the twenty-third, A. D. eighteen hundred and fifty, to regulate Elections.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight of said Act is amended so as to read as follows:

Section 28. If any person offering to vote at any election shall be challenged in relation to his right to vote at that election, the Board of Judges shall declare to him the qualifications of an elector, and the Inspector or one of the Judges shall tender to him the following preliminary oath: Proceedings on challenge

"You do swear, or affirm, that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector?"

The Inspector or one of the Judges shall then proceed to question the person challenged in relation to his name, his then place of residence, how long he has resided in the township and county, where his last place of residence was, also as to his citizenship, and whether a native or naturalized citizen, and if the latter, when, where, and in what Court, or before what officer he was naturalized, and all such other questions as shall tend to test his qualifications as to citizenship and right to vote.

SEC. 2. If any person shall refuse to take the said preliminary oath when so tendered, or to answer any and all pertinent questions as to his qualifications, his vote shall be rejected; and if the Board of Judges are satisfied, from his answers as aforesaid, that such person is not a legal voter, they shall reject his vote.

SEC. 3. If such person shall still insist that he is entitled to vote, and the Board of Judges find no cause to reject his vote under the preliminary examination, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he take the following oath, to be administered by the Inspector or one of the Judges, viz:

"You do swear (or affirm, as the case may be) that you are a citizen of the United States, that you are of the age of twenty-one years according to the best of your knowledge and belief, that you have resided in this State six months next preceding this election, and in this county, (township, or ward, as the case may be,) thirty days, and that you have not voted this day?"

And in case the person offering to vote produce a certified transcript of the records of a Court of competent jurisdiction, admitting him to citizenship, duly attested by the Clerk thereof, as evidence of his right to vote, and the person so producing the same is unknown to the Board of Judges, he shall make oath that he is the person therein named.

Persons taking false oath guilty of perjury.

SEC. 4. If any person challenged as unqualified shall be guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this Act, such person shall be adjudged guilty of wilful and corrupt perjury.

Subornation of perjury.

SEC. 5. Every person who shall wilfully and corruptly procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury, and shall upon conviction thereof suffer the punishment directed by law in cases of wilful and corrupt perjury.

Penalty for encouraging fraudulent voting.

SEC. 6. Every person who shall procure, aid, assist, counsel, or advise another to give or offer his vote at any general or special election, knowing that the person is not duly qualified to vote, shall on conviction be adjudged guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than five hundred dollars, or imprisonment not less than two nor more than six months, or by both such fine and imprisonment, as the Court may direct.

Record of challenges and oaths to be kept.

SEC. 7. The Board of Judges of Election shall keep a minute of their proceedings in respect to the challenging and administering of oaths to persons offering to vote, in which shall be entered by one of them the name of every person who shall have taken the oaths prescribed by this Act, or either of them, specifying in each case whether the preliminary oath, or the general oath, or both, were taken; which minutes and statement shall be certified by the Inspector and returned by him to the office at which the returns of votes given at such election are made, and the minutes so returned shall be filed in the office aforesaid.

Penalty for neglect of Inspectors and Judges.

SEC. 8. If the Inspector or Judges do not faithfully and impartially discharge their duties they shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment, as the Court may direct.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCCGXIV.—*An Act concerning Moneys deposited in Courts of Record of this State.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Moneys deposited.

SECTION 1. In all cases in which the statutes of this State authorize the deposit of moneys in the Courts of record of this State, the moneys so deposited shall be paid to the Clerk of the Court, who shall deposit them, in his name of office, with the Treasurer of the county.

County Treasurers' duties.

SEC. 2. It is hereby made the duty of each County Treasurer of this State to receive such deposits of moneys from the Clerk of the Court as special deposits, and to keep each deposit

entirely separate from all other moneys under his control, and to give to the Clerk making such deposits receipts for the same, which receipts shall state the Court in which action is pending, and also the title of the action in which such deposit is made, and the amount so deposited. The Treasurer shall deliver any deposit of moneys so made with him, upon presentation of an order signed by the Clerk of the Court and countersigned by the Judge of the Court in which the deposit is made.

Responsibilities of.

SEC. 3. For the safe keeping of all moneys so deposited, and for the faithful performance of the duties prescribed in this Act, the Treasurer shall be responsible upon his official bond.

SEC. 4. All moneys now on deposit in any of the Courts of record of this State shall be deposited by the Clerk in the manner prescribed in this Act.

Act construed.

SEC. 5. This Act shall not be so construed as to interfere with any existing law concerning the payment to the County Treasurer of any fines which may be inflicted by any Court of record in this State; but such fines shall be deposited by the Clerks with the County Treasurer in the manner heretofore provided by law.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

CHAP. CCCCXV.—*An Act condemning parts of certain Streets adjacent to the Insane Asylum, in the City of Stockton, for Asylum purposes.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Streets that may be condemned.

SECTION 1. The Board of Directors of the Insane Asylum of California, created by an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three, are hereby empowered to take possession of and use immediately Stanislaus street, from Park to Flora streets, José Jesus street, from Park to Flora street, and Flora street, from American street to Aurora street, in the City of Stockton, for Insane Asylum purposes, the same being adjacent to the grounds and property now occupied by said Asylum.

Parties interested to be notified.

SEC. 2. Said Board shall petition, describing with convenient certainty and accuracy, by map or otherwise, the said grounds or parts of streets so required for public use at said Asylum, setting forth the name and residence of each owner, or such person or persons interested therein in any manner whatever, or who shall claim any interest therein, present or future, so far as the same are known to them, or shall appear by record; said petition to be directed to the Judge of the District Court in and for the County of San Joaquin, either in term time or vacation, praying the appointment of five disinterested persons

Commissioners to ascertain the compensation to be made to the person or persons lawfully entitled to the same for such grounds or parts of streets therein described. Said Judge shall, by an order in his minutes, specify a time and place for the meeting of the Commissioners, and he shall require satisfactory evidence of service of notice of such application and meeting of the Commissioners to the person or persons who shall claim any interest in said grounds or parts of streets, either by personal service or by publication in some newspaper in the City of Stockton, as the said Judge may direct.

Manner of condemnation.

SEC. 3. The said Commissioners, before entering upon the duties of their office, shall be sworn, and any of them may administer oaths to witnesses produced before them, and any one of them may issue subpœnas, and they shall have power to punish contempt as a Court or Judge; and they may adjourn from day to day to enable the parties to procure testimony, but for no longer period than one day, without the consent of both parties or their Attorneys, unless otherwise ordered by said Judge for good cause shown. The said Commissioners, having heard the proofs and allegations of the parties, shall, by a majority vote, without fear, or favor, or partiality, ascertain and certify the compensation proper to be made to the owner, or owners, or parties interested, as aforesaid, in said grounds or parts of streets, which said ascertainment and certificate shall be signed by the Commissioners finding the same, and by them immediately thereafter filed in the office of the Clerk of said District Court. Either party, by motion showing proper cause therefor, may cause the proceedings of said Commissioners to be inquired into by said District Judge, and if the same are regular, and the proceedings appear to be done in good faith, he shall, by order, confirm their finding and conclusion, otherwise he shall make such order as may be just and proper in reference to a re-trial of the same or any part of the said proceedings, but no more than one re-trial shall in any event be had. Should no motion for re-trial be had within five days after the finding of the Commissioners, or no notice of motion for the same be given by either party within three days thereafter, then their finding shall stand as the true ascertainment of valuation; and whenever said valuation shall be finally fixed as aforesaid, then the Board of Directors may, upon paying into the said Court the amount so fixed, become possessed of all or any part of said grounds or parts of streets, and they shall cause correct copies under the seal of the said Court of the petition and other pleadings, if any, together with the finding and certificate of said Commissioners, and all orders of said Judge made in said proceedings, and the minutes of said Court, on the receipt of the said moneys, to be filed in the office of the Secretary of State, and thereafter the State of California shall be the owner of said grounds or parts of streets in fee simple.

CHAP. CCCCXVI.—*An Act supplementary to an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All provisions of law exempting mining claims from taxation are hereby repealed, so far as they apply to lands or mines in the condition of private property, and granted as such by the Spanish or Mexican Government, or the Government of the United States, or of this State.

CHAP. CCCCXVII.—*An Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whereas, by the provisions of an Act of Congress entitled an Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two, the Central Pacific Railroad Company of California is authorized to construct a railroad and telegraph line in the State of California, and in the Territories lying east of said State, towards the Missouri River; therefore, to enable the said company more fully and completely to comply with and perform the provisions and conditions of said Act of Congress, the said company, their successors and assigns, are hereby authorized and empowered, and the right, power, and privilege is hereby granted to, conferred upon, and vested in them, to construct, maintain, and operate the said railroad and telegraph line, not only in the State of California, but also in the said Territories lying east of and between said State and the Missouri River, with such branches and extensions of said railroad and telegraph line, or either of them, as said company may deem necessary or proper; and also the right of way for said railroad and telegraph line over any lands belonging to this State, and on, over, and along any streets, roads, highways, rivers, streams, water, and water courses, but the same to be so constructed as not to obstruct or destroy the passage or navigation of the same; and also the right to condemn and appropriate to the use of said company such private property, rights, privileges, and franchises as may be proper, necessary, or convenient for the purposes of said railroad and telegraph, the compensation

Privileges granted to C. P. R. R. Company of California.

therefor to be ascertained and paid under and by special proceedings, as prescribed in the Act providing for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, and the Acts supplementary and amendatory thereof; said company to be subject to all the laws of this State concerning railroad and telegraph lines, except that messages and property of the United States, of this State, and of the said company, shall have priority of transportation and transmission over said line of railroad and telegraph; hereby confirming to and vesting in said company all the rights, privileges, franchises, power, and authority conferred upon, granted to, or vested in said company by said Act of Congress; hereby repealing all laws and parts of laws inconsistent or in conflict with the provisions of this Act, or the rights and privileges herein granted.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXVIII.—*An Act conferring certain Powers on the Board of Supervisors of Placer County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority given to audit accounts.

SECTION 1. The Board of Supervisors of Placer County are hereby authorized and empowered to audit and allow the account of Dr. S. P. Thomas, County Physician, for the amount due him for medical services and care of indigent sick of said county under existing contracts for current fiscal year, and the County Treasurer of said county is hereby authorized and required to pay so much of said account out of the General Fund of said county as there is a deficiency in the Hospital Fund for such payment; *provided*, that the total amount so to be drawn from said General Fund for the purposes specified in this Act shall not exceed the sum of fifteen hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXIX.—*An Act in relation to Swamp Land District Funds.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the segregation of a Swamp Land District by the Board of Swamp Land Commissioners, under the provisions of an Act entitled an Act to provide for the reclamation

and segregation of Swamp and Overflowed, and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and under the provisions of the several Acts supplemental and amendatory thereto, and upon the certificate of the said Board of Commissioners, as required in said Acts, being filed with the Controller and Treasurer, the total amount of money in the Swamp Land Fund belonging to a district thus certified, is hereby set apart and appropriated, to be expended in the reclamation of said district. Money belonging to a district to be used in its reclamation

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXX.—*An Act making the County Clerk of Colusa County ex officio Recorder and Auditor of said County, and fixing his Compensation.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of the County of Colusa, elected at the general election to be held in said county in the year one thousand eight hundred and sixty-five, shall be ex officio Recorder and Auditor of said county, from and after the first day of March, one thousand eight hundred and sixty-six. County Clerk to be ex officio Auditor and Recorder.

SEC. 2. The County Clerk of said county, from and after the first day of March, one thousand eight hundred and sixty-six, shall receive, annually, a salary of five hundred dollars, to be paid in the same manner that the salary of the County Judge is paid, and such salary shall be in full for all services rendered by him in discharge of the duties now or that may hereafter be imposed on him by law, and chargeable to said county, whether such services be rendered by him as County Clerk, or ex officio as Recorder, Auditor, or Clerk of the Board of Supervisors. Salary.

SEC. 3. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. CCCCXXI.—*An Act to appropriate Money to pay the Claim of J. T. Hall.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and seven dollars is hereby appropriated, out of any money in the General Fund not Appropriation.

otherwise appropriated, to pay the claim of J. T. Hall for the rent of the Governor's office for the month of July, A. D. eighteen hundred and fifty-six; and the Controller of State is hereby authorized to draw his warrant in favor of said J. T. Hall for the sum of one hundred and seven dollars, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXII.—*An Act to continue the powers and provisions of an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle Claims to Real Estate pursuant thereto, approved April fourteenth, eighteen hundred and sixty-two.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The provisions of said Act and the powers and duties therein conferred upon the Commissioners of the Funded Debt, be and the same are hereby extended for three years from the passage of this Act.

SEC. 2. This Act shall take effect from its passage.

CHAP. CCCCXXIII.—*An Act to authorize the Sheriff of San Francisco County to appoint a Matron for the County Jail, and other matters relating thereto.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sheriff may appoint Matrons.

SECTION 1. The Sheriff of the County of San Francisco is hereby authorized and empowered to appoint a Matron and Assistant Matron for the County Jail of said county, who shall have charge of the Female Department of said Jail, under such regulations as said Sheriff may deem requisite, not inconsistent with the laws of this State regulating the management of said Jail. Said Matron and Assistant Matron so appointed, before entering upon their duties shall give the same bonds and be subject to the same penalties as are required of Deputy Sheriffs or Jail Keepers, conditioned for the faithful performance of their duties as required by law.

Compensation of.

SEC. 2. The Board of Supervisors of the City and County of San Francisco, if they deem such Matrons necessary for the public good, shall order paid, out of the General Fund of the City and County of San Francisco, as compensation for the ser-

vices of said Matron and Assistant Matron, a sum not exceeding one hundred dollars per month, to be divided between such Matron and Assistant as said Board of Supervisors may direct, which shall be in full for such services.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXIV.—*An Act concerning Fences in Tuolumne County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Partition fences, regulation of.

SECTION 1. When a fence shall hereafter be erected by any person on the line of his land, or that for which he may have a lease for one or more years, and the person owning the land adjoining thereto, or holding a lease on the same for one or more years, shall make or cause to be made an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence already erected one half the value of so much thereof as serves as a partition fence between them.

SEC. 2. When two or more persons own land adjoining which is closed by one fence, and it becomes necessary for the protection of the rights and interests of one party that a partition fence should be made between them, the other or others, when notified of such fact, shall proceed to erect or cause to be erected one half of such partition fence, said fence to be erected on or as near as practicable the line of said land; and if, after notice is given by either party, and a reasonable length of time has elapsed, and the other party persists in refusing to erect or cause to be erected one half of such fence, the party giving notice may proceed to erect or cause to be erected the entire partition fence, and collect by law one half the cost of such fence from the other party.

Line of.

SEC. 3. All partition fences separating adjoining inclosures shall stand upon the line; and any person when erecting a partition fence and refusing to place it on the line dividing such lands, or to remove it to such line when erected otherwise than thereon, shall subject himself to one half the cost of its removal and erection in the right place.

Repairs of.

SEC. 4. The respective owners or lessees of lands which now are or hereafter may be inclosed with fences, shall keep up and maintain in good repair all partition fences between their own and the next adjoining inclosures, in equal shares, so long as both parties continue to occupy or improve the same.

SEC. 5. The provisions of this Act shall apply to Tuolumne County.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCCCXXV.—*An Act to fix the time of holding the County Courts and Probate Courts in the Counties of Shasta and Mendocino.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms fixed. SECTION 1. The terms of the County Courts in and for the County of Shasta shall be held as follows: Commencing on the first Monday of January, May, and September, of each year.

SEC. 2. The terms of the Probate Courts in and for the County of Shasta shall be held as follows: Commencing on the first Monday of February, April, June, August, October, and December, in each year.

SEC. 3. The regular terms of the County and Probate Courts in and for the County of Mendocino shall commence on the first Monday in March, June, September, and December, of each year.

SEC. 4. All Acts or parts of Acts in conflict with this Act, so far as they refer to the Counties of Shasta and Mendocino, are hereby repealed.

SEC. 5. This Act shall be in force from and after its passage.

CHAP. CCCCXXVI.—*An Act defining the Legal Distances from the County Seat of Lassen County to the State Capital, Lunatic Asylum, and State Prison.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legal distance established. SECTION 1. The distances established by this Act shall be and the same are declared to be the legal distances for which mileage shall be allowed:

First—For County Treasurer settling his accounts at State Capital;

Second—For conveying the insane to the Insane Asylum at Stockton;

Third—To Sheriff for transporting prisoners to the State Prison at San Quentin.

SEC. 2. From the county seat of Lassen County to Sacramento, two hundred miles; to Stockton, two hundred and forty-five miles; to San Quentin, three hundred and fifty-five miles.

CHAP. CCCCXXVII.—*An Act authorizing Samuel Brannan to convey certain lands for Cemetery purposes in the City and County of Sacramento.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samuel Brannan, of San Francisco, is hereby authorized to convey by a deed of quitclaim in the name and as the Attorney-in-fact of Samuel Brannan, Junior, a certain piece and parcel of land known and described on the official map of Sacramento as ten acre tract Number Seventy-Three, to be used as a Catholic Cemetery. Authority to convey land.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXXVIII.—*An Act to change the name of Charles Erastus Coy to Charles Lyman Snow.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Charles Erastus Coy is hereby changed to Charles Lyman Snow. Name changed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXXIX.—*An Act concerning the Records of the District Court of the Seventh Judicial District in and for Solano County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk shall make and keep in separate volumes an index of all suits which heretofore have been or may hereafter be commenced in the District, County, and Probate Courts in and for the County of Solano; that for the District Court to be labelled "General Index—District Court;" that for the County Court to be labelled "General Index—County Court;" and that for the Probate Court to be labelled "General Index—Probate Court." The index for the District Court shall be arranged according to such order as the District Judge shall make respecting the same, and the indexes for the County and Probate Courts shall be arranged according to such order as the County Judge shall make respecting the same. Index of suits.

Compensation for indexing.

SEC. 2. The County Clerk shall receive as compensation for his services as aforesaid, fifty cents for each case so indexed; such amounts, in cases commenced prior to the first day of April, A. D. eighteen hundred and sixty-three, to be a county charge against the County of Solano, and that the same shall be allowed by the Board of Supervisors of said county, and paid by the Treasurer as other county debts; and in cases commenced since that date, to be chargeable as costs of suits.

SEC. 3. An Act concerning records of District Courts, passed April thirteenth, eighteen hundred and sixty-three, so far as the same applies to the County of Solano, is hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCXXX.—*An Act concerning Partnerships for Mining purposes.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Written contracts of copartnership.

SECTION 1. All written contracts of copartnership for mining purposes upon the lands of the United States within this State, formed by two or more persons, shall be subject to the conditions and liabilities prescribed by this Act.

Liability of partners as to assessments.

SEC. 2. Any member of a copartnership, or his successor in interest, in any mining claim, who shall neglect or refuse to pay any assessment, or shall neglect to perform any labor or other liability incurred by the copartnership agreement, may, after the expiration of sixty days after such assessment, labor, or other liability has become due, be notified in writing by any remaing partner or partners, or by his or their Agents, that such assessment, labor, or liability is due, which written notice shall specify the name of such mine and the district wherein it is located, and shall particularly mention the liability which has been incurred; and if such delinquent reside within the State he shall be personally served with such notice; and if the person so notified shall refuse or neglect, for thirty days after service of such written notice, to comply with the requirements of the copartnership agreement, the remaining partner or partners may sell the interest of such delinquent partner in and to such mining claim.

Interest of delinquents may be sold.

Manner of sale.

SEC. 3. All sales under the provisions of this Act shall be at public auction, and by giving five days notice thereof, by posting written notices in three public places within the mining district where such mine is located. The notice shall also specify the extent of the interest to be sold, and the name of the delinquent partner or partners, and the time and place of such sale, which place shall be within the district where the mine is located. The purchaser at such sale shall acquire all the rights and title of the delinquent partner.

SEC. 4. If any delinquent partner in any mine is absent from the State, or resides in any other State or Territory, the notice to such delinquent shall be by publication, once a week for four months, in some newspaper published in the county where the mine is located; or if there be no newspaper in the county, then such notice shall be published in some newspaper in an adjoining county. After the expiration of the time of such publication, the interest of such delinquent shall be sold in the manner prescribed in section third of this Act. Delinquents residing out of the State

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCCXXXI.—*An Act to regulate the Fees of Officers of the County of Trinity.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act to regulate the fees of officers of the Counties of Shasta, Trinity, and Klamath, approved April fourteenth, eighteen hundred and sixty-three, so far as the same applies to the County of Trinity, is hereby repealed. Act repealed.

SEC. 2. From and after the passage of this Act the Act entitled an Act to regulate fees of officers, approved April tenth, eighteen hundred and fifty-five, so far as the same applies to the County of Trinity, is hereby re-enacted and declared to be in full force and effect, and it shall be lawful for the officers of said County of Trinity to charge, demand, collect, and receive fees for official services the same as are fixed in the said Act, approved April tenth, eighteen hundred and fifty-five. Act revived.

CHAP. CCCCXXXII.—*An Act for the Relief of George Nelson.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seventy-five dollars and thirty-four cents is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to repay to George Nelson the money paid by him on the eleventh day of January, eighteen hundred and fifty-nine, to the County Treasurer of Sutter County, for the benefit of the State of California, said payment being twenty per cent of the purchase money for Location Number One Hundred of State School Lands. Appropriation.

SEC. 2. The Controller of State is hereby required to draw

his warrant in favor of George Nelson for the sum appropriated in this Act, and the Treasurer of State is required to pay the same.

SEC. 3. This Act shall take effect immediately after its passage.

CHAP. CCCCXXXIII.—*An Act to fix the amount of the Official Bonds of the County Officers in and for the County of Klamath.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Official bond

SECTION 1. The county officers hereinafter named, in the County of Klamath, shall give bonds for the faithful discharge of their official duties, as prescribed by law, in the following named sums, respectively: The Sheriff, five thousand dollars; the Sheriff, for the collection of foreign miners' licenses, ten thousand dollars; the Clerk, one thousand dollars; the Recorder, two thousand dollars; the Auditor, two thousand dollars; the District Attorney, five thousand dollars; the County Surveyor, two thousand dollars; the County Assessor, two thousand dollars; the Coroner, two thousand dollars; the Treasurer, in a sum not less than ten thousand dollars; the Public Administrator, in a sum of not less than ten thousand dollars.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they relate to the County of Klamath, are hereby repealed.

CHAP. CCCCXXXIV.—*An Act concerning the Office of Public Administrator in the Counties of Shasta and Trinity.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees.

SECTION 1. The Public Administrator in the Counties of Shasta and Trinity shall hereafter be entitled to receive for his services the same fees as are allowed Executors and Administrators by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, one thousand eight hundred and fifty-one.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXXXV.—*An Act to authorize the Owens River Canal Company to improve the Channel of said River.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. R. S. Whigham, Wm. Flemming, Speer Riddell, Wm. P. Pratt, Isaac Swain, Trustees of the Owens River Canal Company, a company duly incorporated by virtue of the laws of the State of California for the purpose of constructing canals for the transportation of passengers and freight, irrigation, and water power, is hereby granted the right to improve and render navigable the channel of Owens River Cañon, from the mouth of said cañon to the line between Townships Two and Three, Range Twenty-Nine east, known as the Owens River Cañon. Franchise.

SEC. 2. To enable said company or their assigns to improve and keep in repair the aforesaid works, the exclusive right, for fifteen years, is hereby granted to use, themselves, or charge others who use the same certain tolls, to be fixed by the Board of Supervisors of Mono County; *provided*, that the said Supervisors shall not fix the rates of tolls so low as to yield to the stockholders less than two per cent per month upon the capital actually invested. Rights of company.

SEC. 3. The parties aforesaid shall commence the work within six months and complete the same within two years from the passage of this Act. Completion of work.

SEC. 4. The owners of this franchise are hereby required to sell, transfer, and convey the same, together with all improvements connected therewith, to the County of Mono at any time after the expiration of ten years from the passage of this Act, upon a demand being made to that effect by said county, and upon the payment to said parties by said county the appraised value of said improvements, exclusive of the value of said franchise. Said appraisal shall be made in the following manner: The Board of Supervisors of Mono County shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof. The four Commissioners so appointed shall elect a fifth, but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisement and present their report within thirty days after the completion of the Commission, and file the same in the office of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of a majority shall be final, and binding upon the parties. County may purchase.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCCXXXVI.—*An Act to authorize the Sale and Conveyance to the North San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sale of lands.

SECTION 1. The Commissioners of Swamp and Overflowed Lands are authorized, whenever requested by the officers of the North San Francisco Homestead and Railroad Association, to

Appraisement of.

appraise the value of the land belonging to the State in front of the lands of said association, in the northerly portion of the City and County of San Francisco, west of Buchanan street, commencing at the northerly boundary of the lands of said association, at high water mark, on said Buchanan street, and extending to a distance north where the water is not exceeding six feet deep at low water along the entire front of the land of said association upon said northerly boundary thereof, and extending westerly to the Government Reservation; *provided*, that in no case shall it extend to a depth of water exceeding six feet at the lowest stage of the tide, nor interfere with the water front of the adjoining property; and, *provided*, further, that neither the said association, nor its employés, Agents, successors, or assigns, shall have any right to levy or collect any tolls, dockage, or wharfage; but this proviso shall not apply to Fillmore Street Wharf, in case of its purchase by or transfer to said association; and said Board of Swamp Land Commissioners shall certify the amount found to be the value of said land to the Treasurer of the State, and also to the Surveyor-Gen-

Survey of.

eral, and upon the approval of the survey of the County Surveyor by the Surveyor-General, and upon the payment to the Treasurer of the State, for the benefit of the Wharf and Dock Fund, of the amount so found to be the value of said land, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon a patent shall issue for said land to said corporation.

Surveyor-General to approve survey.

SEC. 2. Within thirty days after the appraisement by said Commissioners, the Surveyor of the City and County of San Francisco shall make out a plat and field notes of said survey. He shall, within ten days thereafter, record the same in his office, and forward duplicate certified copies of the same to the Surveyor-General, and it shall be the duty of the Surveyor-General, upon examination and approval of said survey, to return one of the duplicate copies, with his approval indorsed thereon, to said County Surveyor, to be by him delivered to the parties desiring the survey; *provided*, said approval and return of duplicate shall be within ten days after the receipt of said plat and field notes.

Association to pay expenses.

SEC. 3. All expenses attending said appraisement by the Commissioners, together with all the costs incident to an accurate survey of the said lands by the Surveyor of the City and County of San Francisco, shall be paid by said association.

SEC. 4. The said association or its assigns shall not have the power to make any use of said lands, or any part thereof, which shall interfere with the navigation of the Bay of San Francisco.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXVII.—*An Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is amended so as to read as follows:

Section 3. There shall be held in the Twelfth Judicial District, terms of said Court as follows: In the City and County of San Francisco, on the first Monday of January, April, July, and October; in the County of San Mateo, on the third Monday of March, and the fourth Monday of June, September, and December. Terms of Twelfth Judicial District.

SEC. 2. Section four of said Act is so amended as to read as follows:

Section 4. There shall be held in the Fourth Judicial District, terms of said Court as follows: In the City and County of San Francisco, on the first Monday of February, May, August, and November. Of Fourth.

SEC. 3. There shall be held in the Fifteenth Judicial District, terms of said Court as follows: In the City and County of San Francisco, on the first Monday of March, June, September, and December; in the County of Contra Costa, on the third Tuesday of February, July, and November. Of Fifteenth

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCXXXVIII.—*An Act to fix the time of holding the District Court in the Second Judicial District.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held, in the counties composing the Second Judicial District, terms of the District Court as follows: Terms fixed

In the County of Butte—On the second Monday of March, on

the fourth Monday of July, and on the second Monday of December.

In the County of Tehama—On the second Monday of February, on the fourth Monday of June, and on the Second Monday of November.

In the County of Plumas—On the second Monday of May, and on the fourth Monday of September.

In the County of Lassen—On the first Monday of June, and on the second Monday of October.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXIX.—*An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Duty of President of Board of Trustees.

Section 5. The President of the Board of Trustees shall be the head of the police and ex-officio Mayor of the city, and shall perform all the duties of those offices, and all such other duties as by law or ordinance of the Board of Trustees may be required of him. He shall preside at the meetings of the Board, when not necessarily absent, and sign the minutes of each meeting, after the same have been approved in open session. It shall be the duty of the President to recommend to the Board the adoption of all such measures connected with the police, health, cleanliness, ornament, government, finances, or improvement of the city, as he may deem expedient; to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced; to exercise a constant supervision and control over the conduct and acts of all subordinate officers; to report all complaints preferred against any of them for violation of ordinances or laws, or neglect of duty, to the Board of Trustees; and sign all warrants drawn upon the City Treasurer; but before he shall sign any warrant, he shall ascertain from the books of the Auditor that there is sufficient money in the proper Fund to pay the same, and shall see that the law, and every ordinance and order, or contract, in regard to the claim upon which the issue of such warrant is predicated, has been strictly complied with in every particular, and that the Auditor has made the proper entry of such account, and the proper minute of such warrant in his warrant book.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows:

Section 7. It shall be the duty of the Superintendent of the Water Works to discharge such duties as may be by law or ordinance required of him, and his salary as a Trustee shall be

in full for his services as ex officio Superintendent of the Water Works. He shall sign all water permits, and the Auditor shall deliver and charge the same to the Clerk of the Water Works. Duty of Superintendent of Water Works.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows:

Section 8. The Auditor shall be ex officio Clerk of the Board of Trustees, and shall be present at each meeting of the Board, and keep a record of its proceedings, and shall have the care of all books and papers belonging to the Board, and perform such other services as the Board may direct. He shall, on or before the first Monday of April of each year, make an estimate, under the supervision of the President of the Board of Trustees, of the revenue of the city for the fiscal year about to commence, and the amount which will belong to each Fund, and shall perform all the duties and be subject to all the penalties which now are or hereafter may be imposed on him by law or ordinance. He shall number and keep a record of all demands approved by him, showing the number and date of approval, amount, and name of original holder, on what account, and the Fund out of which it is payable. He shall be at all times acquainted with the exact condition of the City Treasury, and shall report to the President, on Monday of each week, the condition of each Fund in the Treasury, and the amount of warrants drawn on each Fund the preceding week. He shall keep a complete set of books, in which shall be set forth in a plain and business like manner every money transaction of the city, so that he can at any time know the state of each Fund, from what source the money was derived, and for what purpose any money has been expended, and also all collections made and paid into the Treasury by each officer; and he shall issue all licenses, except as otherwise provided in this Act, and countersign all warrants on the Treasury. Immediately after the adjournment of the Board of Equalization, and after the Assessor has extended the equalized value on the assessment roll, the Auditor shall add up the total amounts, and when the annual taxes shall have been levied, shall extend and add up the different columns and deliver such assessment roll, including the subsequent assessment roll, duly certified, to the Collector, on or before the first Monday of April, and charge him with the same; and on receiving any delinquent list from the Collector, he shall credit him with the same, and deliver and charge the same to the District Attorney of Sacramento County within three days. Duty of Auditor.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCCXL.—*An Act supplementary to an Act to amend an Act concerning Notaries Public, passed April twenty-fifth, eighteen hundred and sixty-two.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notary for Santa Catalina Island.

SECTION 1. For the County of Los Angeles an additional Notary Public shall be appointed, to reside on the Island of Santa Catalina, in said county, who shall hold office for the term of two years, and until his successor is appointed and qualified.

SEC. 2. This Act shall take effect and be in force on and after its passage.

CHAP. CCCCXLI.—*An Act to authorize the Fast Freight and Express Company to change its principal Place of Business.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Change in place of business authorized.

SECTION 1. The Fast Freight and Express Company, a corporation duly incorporated under the laws of this State, and doing business as such in this State and in the Territory of Nevada, and having its principal place of business at Sacramento City, is hereby authorized and empowered, whenever the majority of the Board of Trustees of said company shall so order, to change its principal place of business to the City and County of San Francisco.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLII.—*An Act granting Bounties to the Volunteers of this State enlisted in the service of the United States, for issuing Bonds to provide Funds for the payment of the same, and to levy a Tax to pay such Bonds.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Who entitled to bounties.

SECTION 1. There is hereby granted to every soldier who shall hereafter enlist for three years, or during the war, in any regiment, battalion, company, troop, or battery, now organized or hereafter to be organized or raised as part of the quota of volunteers of this State, under the laws of Congress and the

orders of the President of the United States, during the existing rebellion, and there shall be paid out of the Fund hereinafter provided for, in addition to other bounties and pay now provided for and authorized by any law of this State or of the United States, to every such enlisted soldier a bounty of one hundred and sixty dollars, in manner following, to wit: The sum of forty dollars to be paid at the time of enlistment, and the further sum of twenty dollars at the end of each successive six months thereafter; *provided*, that such bounty shall in no case be paid on the order of such soldier, but shall be paid to him personally, in the same manner as soldiers in the army of the United States are now paid; excepting only where the same shall be necessary for the support of his wife or family, or upon certificates executed by such soldier after each successive payment shall have fallen due under the provisions of this Act; such certificate to be attested by the commanding officer of the regiment, battalion, company, troop, or battery, or post commandant of any detachment in which such soldier may be serving; and, *provided*, further, that in all cases where such soldier shall have a wife or family, such payments may be made to the wife, or temporary Guardian or custodian of minor child or children, as the same shall become due, such soldier having first filed in the office of the Adjutant-General of this State a power of attorney to that effect, executed before and certified by the commanding officer of the regiment, battalion, company, troop, or battery, in which such soldier shall have been enlisted or to which he may be attached.

Manner of payment.

SEC. 2. In case of death or of honorable discharge from the service, when such discharge occurs from any wound, disease, or disability incurred or contracted in the service, the full amount of bounty granted by this Act shall be allowed and paid to every such soldier or to his legal heirs; but if any such soldier be dishonorably discharged, or be discharged from disease or disability which existed or which followed from causes existing and concealed before enlistment, such allowance of bounty herein provided for shall cease at the date of such discharge; and in case the term of service expire by the conclusion of the war, and the quota of this State be mustered out before the end of three years, then the whole amount of such bounty remaining shall become due and payable.

In case of death or honorable discharge, heirs to receive.

SEC. 3. To every enlisted veteran soldier who shall have heretofore served for more than six months in the army of the United States, (marines, regulars, or volunteers,) and who shall have been honorably discharged therefrom, or who is now serving therein, and at the expiration of his present term shall re-enlist in any regiment, battalion, company, troop, or battery existing or which may hereafter be organized as part of any quota of this State, there shall be paid, as additional bounty, the further sum of one hundred and forty dollars, to wit: The sum of fifty dollars to be paid at the time of such re-enlistment, and the further sum of forty dollars at the end of each successive six months thereafter, such bounty to be paid out of the same Fund, in like manner, under the same restrictions, and on the same terms and conditions, as provided in sections one and two of this Act.

Additional to veteran soldiers re-enlisting

Manner of computing.

SEC. 4. In computing and allowing the bounty to be paid under this Act, the following scale shall be adopted: All persons enlisting before the first day of July, eighteen hundred and sixty-four, shall be entitled to receive the first payment after enlistment on the first day of October ensuing, and thence successively every six months thereafter; all persons enlisting on or after the first day of July, eighteen hundred and sixty-four, and before the first day of October, eighteen hundred and sixty-four, shall be entitled to receive the first payment after enlistment on the first day of January, eighteen hundred and sixty-five, and thence successively every six months thereafter; all persons enlisting on or after the first day of October, eighteen hundred and sixty-four, and before the first day of January, eighteen hundred and sixty-five, shall be entitled to receive the first payment after enlistment on the first day of April, eighteen hundred and sixty-five, and thence successively every six months thereafter; and thus continuing such scale of computation and allowance until the first day of January, eighteen hundred and sixty-six, when the payment of bounties herein provided for further enlistments shall cease, unless otherwise ordered by the Legislature of this State.

Duty of Adjutant-General.

SEC. 5. To carry into effect the foregoing provisions of this Act, the Adjutant-General is hereby authorized to procure and shall provide all necessary blank muster rolls, pay rolls, registers, allotments, certificates, powers of attorney, and such other blanks and books as may be requisite and necessary, at the expense of the State, and shall furnish the same, with suitable instructions, to the respective officers of commands, whose duty it shall be to make returns of the same at proper times to the office of the Adjutant-General of this State; and the Adjutant-General is hereby authorized to make such rules and regulations and issue proper instructions to such officers as will enable the soldiers under their command effectively to obtain the benefits and to carry out the provisions of this Act.

Payment of bounties at time of enlistment.

SEC. 6. The payment of bounties at the time of enlistment shall be made upon the certificate of the officer mustering in the enlisted men; and the Controller of State is hereby authorized and required to draw his warrants for the amount of such bounties, payable out of the Soldiers' Bounty Fund, upon presentation to him of such certificates by the person in whose favor it is given, attested by the signature of the commanding officer of the company or regiment in which such soldier has been enlisted, countersigned by the Adjutant-General of this State.

Board to examine and audit claims due after enlistment.

SEC. 7. The Governor, Adjutant-General, and Treasurer of State are hereby appointed and constituted a Board of Examiners, whose duty it shall be to examine, audit, and allow all claims for payments of bounty after enlistment under the provisions of sections one, two, three, and four, of this Act, in favor of the parties legally entitled thereto; and the Controller of State is hereby authorized and required to draw his warrants in favor of the persons, respectively, to whom such allowances shall be made by such Board for the sums respectively allowed, to be paid out of the Soldiers' Bounty Fund. All demands against such Fund shall be presented to the Board herein constituted,

through the Adjutant-General's office, under such rules as may be prescribed by them; and no moneys shall be drawn out of the Soldiers' Bounty Fund except as provided in this Act.

Appropriation.

SEC. 8. For the purpose of paying the bounties hereinbefore provided for, the sum of two millions of dollars is hereby appropriated and set aside of the moneys to be derived from the sale of the bonds of the State hereinafter provided for, or so much thereof as may be realized from the sale of such bonds; and all moneys so realized shall be set apart by the Treasurer of State and constitute a separate Fund, to be designated as the "Soldiers' Bounty Fund." All liabilities created by this Act shall be paid out of such Fund, and the Treasurer of State is hereby authorized and required to pay all warrants drawn upon the Soldiers' Bounty Fund out of the moneys at any time in such Fund and none other.

Bonds to be issued.

SEC. 9. For the purpose of carrying into effect the provisions of this Act, and providing for the Fund created by section eight thereof, the Treasurer of the State of California shall, immediately after the passage of this Act, cause to be prepared bonds of the State to the amount of two million of dollars, in sums of not less than one hundred dollars each, redeemable at the office of the Treasurer of the State on the first day of July, one thousand eight hundred and eighty-four. The said bonds shall bear interest, payable semi-annually, at the rate of seven per cent per annum from the date of their issue, which interest shall be due and payable at the office of the Treasurer of State on the first day of January and July of each year; *provided*, that the first payment of interest shall not be made sooner than the first day of January, one thousand eight hundred and sixty-five, which payment shall include any fractional portion of interest that may be due on bonds sold prior to the first day of July, one thousand eight hundred and sixty-four. The said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of State affixed thereto; and such bonds shall be sold and issued from time to time, by order of the Governor, as the money to be derived therefrom may be required for use under the provisions of this Act. The expense of preparing such bonds shall be audited as a claim against the Soldiers' Bounty Fund.

Coupons.

SEC. 10. Coupons for the interest shall be attached to each bond, consecutively numbered, and signed by the Treasurer of State; and it shall be the duty of the Controller and Treasurer of State, each, to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Sale of bonds.

SEC. 11. The Treasurer of State shall, immediately after the passage of this Act, and as soon as such bonds can be prepared for issue, sell and dispose of a sufficient amount thereof to provide the funds necessarily required under the provisions of sections one and three of this Act, which amount shall be regulated by the number of volunteers called for or ordered into the service of the United States from this State, and shall be declared to the Treasurer by an order to that effect issued by the

Governor after the reception by him of such call; and from time to time thereafter shall sell and dispose of such bonds in such amounts as may be required by the number of volunteers so called out from this State who may be actually in the service of the United States and entitled to the benefits of this Act; such sales shall be made for gold and silver coin of the United States.

Manner of sale.

SEC. 12. All sales of such bonds shall be made in the following manner: The Treasurer of State shall publish notice for thirty days in two daily papers published in the City of Sacramento, and two or more daily papers published in the City of San Francisco, inviting sealed proposals for the purchase of said bonds; the notice shall state the time and place of receiving bids, the amount of bonds to be disposed of, and that bids will be received for the purchase of one bond or more, naming the lowest amount for which the bonds are issued; that bids made for a greater rate of discount than twelve cents on the dollar of the par value thereof will not be received, and that the payment for the same must be made in gold and silver coin of the United States. Parties proposing to purchase bonds offered as aforesaid must state in writing the amount they propose to purchase, and the rate per centum they are willing to pay; *provided*, that no bid shall be accepted nor any of such bonds shall be sold by the Treasurer at a greater discount than twelve cents on the par value thereof.

SEC. 13. At the time specified in the notice for bids the Treasurer shall proceed to open the whole of such bids or proposals in the presence of the Governor and Controller of State, and the Governor, Controller, and Treasurer shall proceed to consider such proposals, and shall accept such as propose to purchase the said bonds for the smallest discount, such discount not in any case to exceed the amount hereinbefore limited. Upon the acceptance of any bid the Treasurer shall forthwith notify the bidder thereof, and require him to pay to the Treasurer the amount of the purchase money in gold and silver coin of the United States, within ten days thereafter, at the State Treasurer's office, and upon the payment of such purchase money by the bidder the Treasurer shall deliver to him the bonds so purchased. All moneys so received by the Treasurer from the sale of bonds, as herein proposed, shall be placed by the Treasurer to the credit of the Soldiers' Bounty Fund.

SEC. 14. At any time after the opening, consideration, and acceptance of proposals for the purchase of such bonds, if it should appear that the whole amount thereof so offered has not been taken, the Treasurer may proceed to sell the same, or any portion thereof, at private sale to such purchasers as may present themselves; *provided*, that no bonds shall be thus sold at a greater rate of discount than the rate at which any of said bonds were actually bidden for, and such bid accepted, at the time such sealed proposals were opened and considered.

Tax levied.

SEC. 15. For the payment of the principal and interest of the bonds issued under this Act, there shall be levied and collected, annually, until the final payment or redemption of the same, and in the same manner as other State revenue is or may be directed by law to be levied and collected, upon all real and

personal property taxable in this State, a tax of twelve cents upon each one hundred dollars of valuation of such property, in addition to the taxes for general State purposes, and the Fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for, and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment of the bonds issued by virtue of this Act, and the interest thereon, and, if necessary, to provide other and ample means for the payment thereof.

Redemption of bonds.

SEC. 16. Whenever on the first day of January or July, eighteen hundred and sixty-five, or upon the first day of January or July in any subsequent year, there shall remain a surplus, after the payment of the interest as hereinbefore provided, of ten thousand dollars or more in the Fund created in the eleventh section of this Act, it shall be the duty of the Treasurer to advertise in two daily newspapers, published in English, in each of the Cities of San Francisco and Sacramento, for sealed proposals for the surrender of bonds issued under this Act. He shall state in such advertisement the amount of money on hand applicable to the redemption of bonds, and he shall accept such proposals, at rates not exceeding par value, as may redeem the greatest number of bonds, until the amount of cash on hand for redemption is exhausted.

SEC. 17. Full and particular account and record shall be kept by the Treasurer of the condition of the funds collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and of any committee appointed by the Legislature, or either branch thereof.

Treasurer to make provision for payment of interest.

SEC. 18. It shall be the duty of the Treasurer of this State to make arrangements for the payment of the interest of the said bonds when the same falls due, and in the event that the said Interest Fund should be insufficient, the said Treasurer shall make up the deficiency from the General Fund; and in the event of the insufficiency of the General Fund, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the credit of the State; and in case there should at any time be in the Fund created by this Act for the payment of said interest and the redemption of said bonds any surplus moneys not needed for the payment of said interest or the redemption of any bonds, it shall be the duty of the Treasurer of State to transfer such surplus moneys to the General Fund of this State. Said bonds shall be redeemed and the interest paid in the gold and silver coin of the United States.

SEC. 19. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLIII.—*An Act to repeal an Act entitled an Act for the Protection of Fisheries, approved April twenty-eighth, eighteen hundred and sixty.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. An Act entitled an Act for the protection of fisheries, approved April twenty-eighth, eighteen hundred and sixty, is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLIV.—*An Act supplementary to an Act entitled an Act to authorize the formation of Corporations, to provide the members thereof with Homesteads or lots of land suitable for Homesteads, passed May twentieth, eighteen hundred and sixty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the above entitled Act is hereby amended so as to read as follows:

Payment of subscription

Section 4. It shall be lawful for the Trustees to call in and demand from the shareholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the articles of association shall prescribe, under the penalty of forfeiture of the shares of stock subscribed for, and all deposits, assessments, and previous payments, made thereon and towards the principal funds of the association, and the property acquired therewith and owned by the association, if payment shall not be made by the stockholder within ten days after a personal demand or notice requiring such payment shall have been published at least thirty days in a newspaper of general circulation in the city, town, or county, where the office or principal place of business of such corporation is located, or in the newspaper published nearest to the place where the business of the company shall be carried on as aforesaid; but the articles of incorporation may prescribe other penalties than such forfeiture upon such failure to meet the payments of deposits, assessments, and installments, in which case such provisions shall govern and may be legally enforced. No holder of shares shall claim to be exempt from making monthly or other payments provided for in the articles of association, or installments upon the said shares, upon the ground that amounts have been paid by said shareholder as fines for the non-payment of dues, or other violation of the articles of association, or of any premium for loans made to members, or advance price for property bid by such member.

SEC. 2. Whenever after publication of notice for thirty days,

as provided for in section four of the Act to which this is supplementary, any shares of stock shall be declared forfeited by resolution of the Board of Trustees, it shall be lawful for the Trustees to advertise the same for sale, (giving the name of the subscriber and the number of shares,) by notice of not less than twenty days, to be published in some daily newspaper printed in the county in which the property of said corporation is located, and such sale shall be made at auction under the direction of the Secretary of the company. At such sale the corporation may be a bidder, and the shares shall at such sale be disposed of to the highest and best bidder, for cash. No defect in the organization of the corporation and no informality or irregularity in the proceedings respecting the sale shall affect the validity thereof; *provided*, notice shall have been given by publication as herein provided. After said sale is made the Secretary shall, on receipt of the purchase money, transfer to the purchaser the shares sold, and after deducting from the proceeds of such sale all installments then due or thereafter to become due, and all expenses and charges of sale, shall hold the residue of said proceeds subject to the order of the delinquent subscriber.

Sale of stock of delinquents.

SEC. 3. The provisions of this Act shall apply to all corporations heretofore or hereafter organized under the Act to which this Act is supplementary.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCCXLV.—*An Act to amend an Act entitled an Act to reincorporate the City of Placerville, approved April sixth, eighteen hundred and sixty-three.*

1909-88

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The nineteenth (19) subdivision of section twenty-three (23) of said Act is hereby amended so as to read as follows:

Nineteenth—To make all necessary contracts and agreements for the benefit of the city, to contract debts on the faith and credit of the city; but no debt shall be contracted or liability incurred, which, with the other liabilities of the city, (exclusive of the funded debt and interest,) shall exceed in the aggregate the estimated annual revenue, except as provided in the second subdivision of section twenty (23) and section twenty-four (24) of this Act. Whenever the Common Council shall audit bills presented against the city, the Clerk shall draw a warrant upon the Treasurer, payable to the parties that the bill is audited in favor of, and such warrant shall be numbered to correspond with the number of bill audited as aforesaid, and no warrant shall draw any interest, but shall be paid whenever there is any money in the General Fund for that purpose. On the first Wednesday of each month the Clerk shall present to the Treas-

Powers of Common Council.

urer an abstract of all warrants drawn for the past month, with the date and number of each warrant, the amount, and to whom payable, and the Treasurer shall make a record of the same, and on the Thursday following the Treasurer shall give notice by placing in a conspicuous place in his office what warrant or warrants are payable, with the amount in the margin, and such warrant or warrants shall be paid according to their respective numbers, that is to say, commencing at number one (1) and continue on until all the moneys in the General Fund that is set apart for the payment of said warrants is exhausted.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCXLVI.—*An Act fixing the Salaries of the County Officers of the County of Nevada.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salaries.

SECTION 1. Salaries shall be allowed and paid to the following officers of the County of Nevada, as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law:

To the County Judge, three thousand dollars per annum.

To the District Attorney, two thousand dollars per annum.

To the County Clerk, as County Clerk and ex officio Clerk to the Board of Supervisors, two thousand five hundred dollars per annum.

To the Deputy County Clerk, eighteen hundred dollars per annum.

To the Sheriff, three thousand dollars per annum.

To the Under Sheriff, one hundred and fifty dollars per month.

To one Jail Keeper, one hundred dollars per month.

To the Treasurer, two thousand dollars per annum.

To the County Recorder, as County Recorder and ex officio County Auditor, two thousand five hundred dollars per annum.

To the Deputy Recorder, one hundred and twenty-five dollars per month.

To the Superintendent of Common Schools, six hundred dollars per annum.

To the County Assessor, two thousand dollars per annum; *provided*, that the County Assessor shall be allowed two Deputies, who shall be paid by the county at the rate of six dollars per day for the time actually employed during the time provided by law for the assessment of revenue.

To the Collector, for collecting all taxes for State and county purposes, two thousand dollars per annum; *provided*, that the Collector shall receive for his own use the fees now allowed by law for collecting licenses, poll taxes, and foreign miners' licenses.

SEC. 2. The several officers named in this Act who are enti-

tled to charge and collect or receive any fees, commissions, percentages, or other compensation of whatever nature or kind, allowed by law for services rendered by them or their Deputies in their several official capacities, or for the performance of duties appertaining to said offices, shall collect and safely keep the same, and on the first Monday in April, A. D. one thousand eight hundred and sixty-six, and on the first Monday of each month thereafter, shall account for, settle, and pay the total amount by them received to the Treasurer of said county. It shall be and is hereby made the duty of all such officers who are entitled to charge and collect or receive fees, commissions, or other compensation for their official services to keep a book or books, in which shall be entered, by items, the amount received for all official services performed by them or any of their Deputies, showing the date and nature of such services, and the amount received therefor, which book or books shall at all office hours be open to the inspection of the Board of Supervisors or any citizen; and each of said officers shall, at the expiration of each month, make out and verify, by oath, and file with the Auditor, a full and accurate transcript from his said book or books of the entries for the preceding month. All fees or compensation for official services, which under this Act are required to be paid into the County Treasury, shall be credited to the General Fund of the county, and be applied to the payment of Auditor's warrants as now provided by law. The several officers named in this Act shall perform all services required of them by law for county purposes without fee or compensation, other than is provided by this Act.

Fees to be paid into the County Treasury.

Monthly report of fees received required.

SEC. 3. For a wilful neglect or refusal to comply with the provisions of this Act by any officer or officers herein named, he or they shall be deemed guilty of felony, and on conviction thereof in any Court of competent jurisdiction be subject to a fine not exceeding five thousand dollars, and a forfeiture of office, or to imprisonment in the State Prison not less than one or more than three years, or to both such fine and imprisonment; *provided*, that nothing herein shall be held to release such officer from the obligation to give the official bond required by law, or from any civil responsibility arising from his official duties.

Penalty for neglect.

SEC. 4. The fees receivable by the several officers named in this Act shall be demanded by every such officer, and shall be payable in advance, and no officer shall be compelled to perform any official services unless the fees legally chargeable therefor shall have been first paid or tendered to such officer.

Fees to be paid in advance.

SEC. 5. All requisitions for books, blanks, and stationery for any of the officers named in this Act shall be made by such officers, respectively, upon the Board of Supervisors, stating the amount and description thereof, and that the same are essential and necessary for the use of such office, which statement shall be verified by the oath of such officer; and upon their approval thereof, the said Board of Supervisors shall order the cost of the same paid, in the same manner that other charges against the county are paid.

Stationery books, etc. for officers.

SEC. 6. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed so far as they relate to the several officers herein named for the County of Nevada.

Acts repealed.

SEC. 7. This Act shall take effect and be in force from and after the first Monday in April, A. D. eighteen hundred and sixty-six.

CHAP. CCCCXLVII.—*An Act to enforce the Collection of Road Taxes in Yuba County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Collection of road tax.

SECTION 1. The collection of road tax in the County of Yuba shall be enforced as follows: Any person who, on the requirement of the Road Overseer, shall have neglected, failed, or refused to do the labor or pay the money as required by law, the Overseer may seize so much of any and every species of property, right, possession, or claim whatever belonging to such person so liable and neglecting or refusing to pay such road tax as will be sufficient to pay the same, and cost of seizure, which shall be as hereinafter provided, and may sell the same at any time and place, on giving verbal notice one hour previous to such sale; and any person indebted to another liable to road tax, who shall refuse or neglect to pay the same, shall be liable for the tax of such other person, after service on him by the Overseer of a notice stating the name of the person so liable and owing road tax, and may deduct the amount thereof from such indebtedness. The Overseer, after deducting the tax for which such property was sold, and the costs of sale, which shall be three dollars in each case, shall return the surplus, if any, to the owner of the property. A delivery of the possession of the property by the Overseer to any purchaser at any such sale shall be a sufficient title in the purchaser, without the execution of a deed therefor by the Overseer.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLVIII.—*An Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Manner of election.

SECTION 1. Every Supervisor of the Counties of Napa and Mendocino hereafter elected shall be elected at the time and for the term now provided or that may hereafter be provided by law, and he shall be elected by the electors of the whole county, and be a resident of the district for which he is elected.

CHAP. CCCCXLIX.—*An Act supplementary to and amendatory of an Act entitled an Act to divide the State into Judicial Districts, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is so amended as to read as follows:

Section 1. The State shall be divided into fifteen Judicial Districts, which districts shall be numbered and composed of the several counties and parts of counties as hereinafter provided. Additional district formed.

SEC. 2. Section four of said Act is so amended as to read as follows:

Section 4. The Twelfth Judicial District shall be composed of the County of San Mateo and all that portion of the City and County of San Francisco lying south of a line described as follows: Commencing at the western boundary of said city and county, at a point in a line with the centre of Ridley street in said city; thence running easterly in a line with and through the centre of Ridley street, to the centre of Market street; thence northeastward along the centre of Kearny street, to a point in a line with the northern side of the City Hall or Court-house; thence easterly to and along the northern line of the City Hall or Court-house, to a point sixty-five feet from the eastern line of Kearney street; thence at right angles southerly, to the southern line of said City Hall or Court-house; thence along said southern line of said building, to the eastern line of Kearny street; thence southerly along the eastern line of Kearny street, to the centre of Market street; thence northeastwardly along the centre of Market street, to the eastern boundary of said city and county. Boundaries of Twelfth District.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section 5. The Fourth Judicial District shall be composed of all that portion of the City and County of San Francisco lying north and embraced within the lines described as follows: Commencing at the western boundary of said city and county, at a point in a line with Ridley street, in said city and county; thence running easterly in a line with and through the centre of Ridley street, to the centre of Market street; thence northeastwardly with and along the centre of Market street, to the centre of Kearny street; thence northerly along the centre of Kearny street, to a point in a line with the northern side of the City Hall or Court-house; thence easterly to and along the northern line of the City Hall or Court-house, to a point sixty-five feet from the eastern line of Kearny street; thence at right angles southerly, to the southern line of said City Hall or Court-house; thence easterly along the southern side of said building, to the eastern side of said building; thence northerly along the eastern line of said building, to a point eight inches north of the Of Fourth District.

northern line of said building; thence at right angles westerly, to the centre of Kearny street; thence northerly along Kearny street, to the northern boundary of said city and county.

Of Fifteenth District.

SEC. 4. The Fifteenth Judicial District shall be composed of the County of Contra Costa and all that portion of the City and County of San Francisco which is not included within the limits of the Twelfth and Fourth Judicial Districts, as above described.

Terms defined.

SEC. 5. The term "City Hall" and "Court-house," as used in this Act, shall be construed to mean the building owned by said city and county, and known and used as a City Hall and Court-house prior to January first, A. D. eighteen hundred and sixty-three, and no other.

Governor to appoint Judge.

SEC. 6. The Governor shall appoint and commission some competent person as Judge of the District Court of the Fifteenth Judicial District, who shall hold his office until the next judicial election, when a Judge shall be elected by the qualified voters of the district. A person residing in any part of the said City and County of San Francisco, or of the County of Contra Costa, may be so appointed or elected, and when so appointed or elected may reside in any part of said city and county.

Salary.

SEC. 7. The Judge of the Fifteenth Judicial District shall receive an annual salary of six thousand dollars, to be paid in the same manner as the Judges of the Fourth and Twelfth Judicial Districts are paid.

Cases pending in Contra Costa County.

SEC. 8. Motions for new trials, motions for judgments upon special verdicts or cases reserved, and all issues of law, and all other motions, whether upon notice, or *ex parte*, in cases pending in the County of Contra Costa, may be heard anywhere within the said Fifteenth Judicial District, and the Judge of the said District may by rule designate the time, place, and manner for hearing said motions and issues, and all orders made upon such motions or issues may be entered with the Clerk of Contra Costa County, the same as if entered at a District Court held in said county, and shall, in all respects, have the same force and effect.

SEC. 9. Section three of said Act is amended so as to read as follows:

Third District re-formed.

Section 3. The Third Judicial District shall be composed of the Counties [of] Monterey, Santa Cruz, Santa Clara, and Alameda; *provided*, the County of Contra Costa shall remain in the Third Judicial District until a Judge for the Fifteenth Judicial District shall have been duly elected or appointed and qualified.

SEC. 10. This Act shall take effect from and after its passage.

CHAP. CCCCL.—*An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved March third, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is amended so as to read as follows:

Section 4. Section thirty-four of said Act is amended so as to read as follows:

Delinquent tax list, when and how made out.

Section 34. On the third Monday of November in each year the Tax Collector shall, at the close of his official business on that day, enter upon the assessment roll a statement that he has made a levy upon all property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and file in the office of the Auditor a statement of said amount, verified by the oath of himself or Deputy, and shall proceed to make out and file in the office of the Auditor a list of all persons and property then owing taxes, verified by the oath of himself or Deputy, which list shall be completed by the first Monday in December, and shall be known as the Delinquent List; and, to enable the Tax Collector to make out said list, no taxes shall be received by him on the assessment roll after the entry provided for in this section; *provided*, that in the counties where the Tax Collector receives a salary he shall be allowed for his own use the amount provided by law for making said delinquent list; *provided*, however, that in the Counties of Fresno, San Luis Obispo, Santa Barbara, Los Angeles, and San Diego, the Tax Collector shall not make his levy until the third Monday in December, and that the Delinquent List need not be filed with the Auditor until the first Monday in January, and that in these counties the provisions of section thirty-seven shall not apply until the third Monday in December in each year; and, *provided*, further, that in the Counties of Tulare and San Bernardino the Tax Collector shall not make his levy until the third Monday in February, and that the Delinquent List need not be filed with the Auditor until the first Monday in March, and that in these counties the provisions of section thirty-seven shall not apply until the third Monday in February in each year.

SEC. 2. San Mateo County is excepted from the provisions of this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCLI.—*An Act to provide for the saving and transfer of Causes pending in the District Court in and for the County of Contra Costa.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Saving of causes.

SECTION 1. The District Court of the Third Judicial District, and the Judge thereof, shall continue to have and exercise jurisdiction in all cases, proceedings, and business that may arise or be pending in the District Court in and for the County of Contra Costa until a District Judge for the Fifteenth Judicial District shall have been duly appointed and qualified, the same in all respects as if said county had remained attached to the Third Judicial District; and the Judge of said Third District Court may at any time within forty days after the appointment and qualification of a Judge for the Fifteenth Judicial District as aforesaid, proceed to try and determine any cases that have already been by consent of parties agreed or ordered to be tried at Chambers, and may determine and order judgment to be entered in any cases heretofore tried, reserved, or submitted, and may hear and decide all motions for new trials and all other motions necessarily arising in said causes, and may make all proper orders therein.

Transfer of causes.

SEC. 2. With the exceptions and limitations specified in the preceding section, all actions, causes, motions, and proceedings that may be pending in the District Court in and for said county at the time when the District Court of the Fifteenth Judicial District shall become fully organized by the due appointment and qualification of a Judge for said district, shall be immediately transferred to and continued in the said District Court of the Fifteenth Judicial District, and may be further prosecuted therein without abatement or prejudice by reason of such transfer.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCLII.—*An Act for the better preservation of certain Records of Napa County.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Books to be procured.

SECTION 1. J. H. Howland, the Recorder of Napa County, may procure suitable books, and transcribe therein the following records of Napa County, viz: Book A of Deeds; Book A of Mortgages; Book A of Leases; Book A of Assignments of Mortgages; Book A of Notices of Actions; Book A of Preemption Claims; Book A of Brands; Book A of Notices of Lien; Book A and B of Marriages; Book A of Miscellaneous

Records; Book A of Releases of Mortgages; Book A of Official Bonds; Book A of School Warrants; Book A and B of Judgment Transcripts; Book A of Attachments; Book A of Power of Attorney; Book A of Swamp Lands.

SEC. 2. After making such transcripts they shall each be certified to by the Recorder as true and correct copies of the original, and thereafter shall be parts of the official records of said county. Transcripts to be certified

SEC. 3. The Board of Supervisors of said county shall order the Auditor of said county to draw warrants in favor of the said Recorder on the General County Fund of said county for the actual cost of such books, and they shall also allow and pay in the same manner to the Recorder, for his services in transcribing such records one half of the amount that is now by law allowed him for recording and indexing records in said county. Compensation of Recorder.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCLIII.—*An Act to amend an Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, and amended April twenty-fifth, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of said Act is hereby amended so as to read as follows:

Section 16. All public highways hereafter laid out shall be of a width not less than forty nor exceeding eighty feet, in the discretion of the Board of Supervisors. Width of road.

SEC. 2. Section twenty-four is hereby amended so as to read as follows:

Section 24. The Board of Supervisors shall have power to levy an annual road tax on all able bodied men between the ages of twenty-one and fifty years not to exceed four dollars to each man; *provided*, that any person liable to pay the road tax as specified in this section may at his option pay the same in labor on the road, under the direction of the Overseer, at the rate of two dollars a day; but if any person shall neglect or refuse to pay the road tax as required by law either by labor, under the direction of the Overseer, or in money, within ten days after the said tax shall have been demanded in writing by such Overseer, then and in that event he shall be considered a delinquent, and it shall no more be in his option to pay the said road tax in labor, but in such money or moneys of the United States in which State and county taxes are paid and collected, and it shall thereupon be the duty of such Overseer forthwith to furnish to a Constable of his township, or if there be none in [his] township, to one of the Constables of the county nearest thereto, a certified list of the name or names of all such delin- Road tax, how paid.

quents, together with the amount so delinquent, who shall proceed immediately by suit or otherwise to collect such delinquent tax and pay the same over to such Overseer; such certified list of the Overseer shall be evidence in any suit against any such delinquent for the amount of the taxes therein charged to him.

Application of Act.

SEC. 3. The provisions of this Act shall only apply to the County of San Joaquin, and all Acts and parts of Acts in conflict with this Act, so far as they apply to said County of San Joaquin, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLIV.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriations of money by said Board.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional powers granted.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid, the sums of money and to exercise the powers following:

First—To allow and order paid out of the General Fund for grading, improving, and erecting a monument in Yerba Buena Park, a sum not to exceed ten thousand dollars in addition to the amount now allowed by law for that purpose.

Second—To allow and order paid out of the General Fund a sum not to exceed three thousand dollars for grading and improving Columbia Square, in said city and county.

Third—To allow and order paid out of the General Fund a sum not to exceed five thousand dollars for improving Washington, Union, and Portsmouth Squares, in said city and county.

Fourth—To allow and order paid out of the General Fund for the removal and building of engine-houses in said city and county, a sum not to exceed twenty thousand dollars in addition to the amount now allowed by law.

Fifth—To allow and order paid from the General Fund a sum not to exceed five hundred dollars per annum, for deficiency in salary of the Pound Keeper, in said city and county.

Sixth—To allow and order paid out of the General Fund for payment of the claim of Doyle and Barber, for party wall of Howard engine-house, in said city and county, a sum not to exceed the sum of eleven hundred dollars.

Seventh—To allow and order paid out of the General Fund a sum not to exceed twenty-seven hundred dollars, for the erection of a third story upon the engine-house of Howard Fire Engine Company Number Three, in said city and county.

Eighth—To allow and order paid out of the General Fund to

the Clerk of the Mayor of said city and county, the sum of one hundred and fifty dollars per month, in lieu of the present salary allowed by law to said Clerk. Additional powers granted.

Ninth—To improve and enlarge the present City and County Hospital buildings and property in said city and county, and if by them deemed expedient to that end, to purchase and receive additional land in said city and county, and to erect new buildings for the City and County Hospital in said city and county, and to allow and order paid out of the General Fund, and for the purposes mentioned in this section, such sums of money as in the aggregate shall not exceed the sum of one hundred and twenty-five thousand dollars in addition to the amount now allowed by law.

Tenth—To allow and order paid out of the General Fund not to exceed the sum of six thousand dollars in addition to the amount now allowed by law for repairing and improving roads south of Navy street, in said city and county.

Eleventh—To increase the Police force of said city and county, as from time to time may be deemed necessary by the said Board of Supervisors, to not exceeding one hundred members, including the number now allowed by law, a portion of which increase may constitute a Harbor Police in and for the said city and county, and to allow and order paid out of the General Fund the salaries of said additional Police force, not to exceed the sum of one hundred and twenty-five dollars per month, or any less sum which they may deem proper for each member of said additional Police force.

Twelfth—To authorize and empower the Police Commissioners of said city and County to appoint and to regulate local Policemen, whenever in their judgment the necessities of said city and county require it; *provided*, that no money shall be paid out of the Treasury of the said city and county to said local Policemen.

Thirteenth—To appoint an additional Assistant Porter for the City Hall of said city and county after the same shall be enlarged, and to allow and order paid, out of the General Fund, a salary to him not exceeding the sum of seventy-five dollars per month.

Fourteenth—To allow and order paid out of the General Fund, to the Porter of the City Hall of said city and county, a sum not to exceed ninety dollars per month, in lieu of the salary now allowed to him by law.

Fifteenth—To allow and order paid out of the General Fund, in lieu of their present salary, the sum of one hundred and fifty dollars per month to three Deputies of the Sheriff of said city and county, which Deputies now receive one hundred and twenty-five dollars per month.

Sixteenth—To purchase boats, tackle, and apparatus for the use of the Harbor Police, and to allow and order paid out of the General Fund for that purpose, a sum or sums not in the aggregate to exceed one thousand dollars.

Seventeenth—To allow and order paid out of the General Fund for repairs to public buildings in said City and County of San Francisco, and to meet any deficiency in the Public Building Fund during the fiscal year eighteen hundred and sixty-three

Additional powers granted.

and eighteen hundred and sixty-four, a sum not to exceed five thousand dollars.

Eighteenth—To establish and construct a complete system of fire alarm telegraph in the City and County of San Francisco, and to purchase and obtain materials and suitable apparatus therefor; to connect the same to as many heavy bells as may be deemed expedient by them; and to combine with said fire alarm telegraph a complete system of police telegraph, and for that purpose to allow and order paid out of the General Fund a sum not to exceed fifteen thousand dollars in addition to the amount now allowed by law for that purpose. And said Board of Supervisors are hereby allowed, if in their judgment deemed necessary, to withdraw by order from the Treasury of said city and county the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to be paid and appropriated for the purposes hereinbefore mentioned, and for purchasing in the Atlantic States, for cash, suitable apparatus and materials for erecting and completing said fire alarm and police telegraph; *provided*, that said sum of twenty-five thousand dollars, or so much thereof as may be withdrawn as aforesaid from the Treasury as aforesaid, be deposited with some banking house in said City and County of San Francisco, to be designated by said Board of Supervisors, subject to the drafts from time to time, as may be necessary for the purposes herein set forth, of the person or persons contracting with said city and county for the erection and completion of said fire alarm and police telegraph; and, *provided*, further, that said person or persons so contracting as aforesaid, execute to the City and County of San Francisco, and deliver to the Treasurer of said city and county, a good and sufficient bond, with at least two good and sufficient sureties, (the bond and sureties to be approved by the Mayor and Treasurer of said city and county,) in double the amount so deposited, conditioned for the just and faithful and proper use of said sum of twenty-five thousand dollars, or so much thereof as may be necessary for the erection, completion, and furnishing with apparatus and suitable materials, said fire alarm and police telegraphs.

Nineteenth—To appoint, when deemed necessary by said Board during the erection or upon the completion of said system of fire alarm and police telegraphs, one Superintendent for said telegraphs, and three Assistants therefor, in lieu of the Bell Ringers now employed for the watch tower of the City Hall of said city and county; and to allow and order paid out of the General Fund, when by said Board deemed necessary, one hundred and fifty dollars per month as salary to said Superintendent, and to allow and order paid in the same manner and out of the same Fund as now provided by law for payment of the aforesaid Bell Ringers, a sum not to exceed one hundred dollars per month, each, to said Assistants as salary.

Twentieth—To compromise, upon such terms as to the said Board may seem proper, pending action, or actions, or claims, for the possession of the lot upon which the engine house of Broderick Engine Company Number One is now erected in said City and County of San Francisco; and for that purpose to

appropriate, allow, and order paid out of the General Fund a sum not to exceed one thousand dollars. Additional powers granted.

Twenty-First—To allow and order paid out of the General Fund a sum not to exceed twenty-five hundred dollars, for the erection of a third story upon the engine house of Pennsylvania Fire Engine Company Number Twelve, in said City and County of San Francisco.

Twenty-Second—To allow and order paid to the San Francisco City Water Works Company, a sum not to exceed fourteen hundred dollars, out of the General Fund, for furnishing and setting hydrants in said city and county in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, if upon due investigation by them such claim should be found equitable and just.

Twenty-Third—To appropriate all sums of money received from the sale of the "Hall of Records," as authorized by subdivision twenty-six of an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, approved April fourth, eighteen hundred and sixty-three, for the repairs of a building to be used as a Hall of Records, in addition to the amount now allowed by law.

Twenty-Fourth—To appropriate, allow, and order paid out of the General Fund a sum not to exceed ten thousand dollars, for grading and fencing Hamilton Square, in said city and county.

Twenty-Fifth—To settle claims for the refunding of taxes collected under the levy decided to be illegal by the Supreme Court in the case of Crosby et al. vs. Patch; *provided*, the aggregate amount of claims so settled shall not exceed the portion of such taxes levied for city and county purposes.

Twenty-Sixth—To allow and order paid out of the General Fund a sum not to exceed three hundred dollars per annum for medical attendance upon the inmates of the Industrial School in said city and county.

Twenty-Seventh—To divide the Twelfth Election District into two voting precincts; to designate two places for holding election polls in said district; to appoint two additional Judges and one additional Inspector of Election for said district; and to appropriate and order paid from the General Fund the necessary expenses of such additional polling place and of the elections held thereat, whenever they may deem the same necessary; *provided*, that if said district is divided as aforesaid, provision shall be made for the election of Judges and Inspectors to preside at subsequent elections, as in other districts in said city and county.

Twenty-Eighth—To allow and order paid to Interpreter of the German language for the Police and County Courts, to be appointed by the County Judge, Police Judge, and President of the Board of Supervisors, one hundred and twenty-five dollars per month, to be paid from the General Fund.

SEC. 2. The Auditor of said city and county is hereby directed and empowered to audit and allow as aforesaid, and the Treasurer thereof to pay as aforesaid, all sums of money that may be allowed or ordered to be paid under the provisions hereof.

SEC. 3. The amounts which by this Act are authorized to be paid shall be the only amounts to be paid for the respective purposes for which they are authorized to be paid under the provisions hereof, except when otherwise expressly provided in this Act, and excepting an allowance of two thousand dollars per annum heretofore provided by law for inclosing, improving, and regulating all public grounds in said city and county. And said Board of Supervisors is hereby authorized and empowered to direct and have executed the work, building, services, and improvements hereinbefore mentioned and provided to be paid for.

SEC. 4. All Acts and parts of Acts inconsistent herewith are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLV.—*An Act relating to the establishment of the Eastern Boundary of the State of California.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legal boundary line.

SECTION 1. All that portion of the line dividing the State of California from the Territory of Nevada, as run and marked by the Surveyor-General of the State of California, in accordance with and by authority of an Act entitled an Act to provide for surveying and establishing the eastern boundary of the State of California, approved April twenty-seventh, eighteen hundred and sixty-three, commencing at the southern boundary of the State of Oregon, and terminating at a point near the White Mountains, south of the Town of Aurora, is hereby declared, so far as the same extends, to be the legal boundary line of the State of California, and shall be so considered by all the Courts of this State.

Monuments.

SEC. 2. The Surveyor-General shall, within six months from and after the passage of this Act, erect or cause to be erected such additional monuments upon said boundary line as is actually necessary, and he shall mark the termination of the said line near the White Mountains by erecting suitable monuments, and in such a manner as to enable the survey to be continued from that point at some future time.

Sale of equipments, etc.

SEC. 3. The Surveyor-General shall, within twenty days from and after the passage of this Act, cause to be sold at public sale to the highest bidder, for gold or silver coin of the United States, all animals, equipments, and fixtures, purchased by him to carry out the provisions of the Act mentioned in section one of this Act, that are in his possession or under his control; *provided*, that all instruments belonging to the Surveyors' Department shall be retained in the office of the Surveyor-General of the State.

SEC. 4. The Surveyor-General shall give notice of such pub-

lic sale as provided in section three of this Act by publishing notice of the same in some daily newspaper published in the City of Sacramento, for at least ten days prior to said sale, and all moneys accruing from said sale shall be paid to the State Treasurer, to be by him placed in the Fund created by the Act mentioned in section one of this Act. All moneys appropriated under the provisions of the Act mentioned in section one of this Act remaining unexpended at the expiration of six months from and after the passage of this Act, shall be placed in the General Fund. Disposition of moneys.

SEC. 5. The Surveyor-General shall receive for all services required by this Act such compensation as may be allowed him by the State Board of Examiners, the same to be paid out of the moneys set apart for surveying said boundary line; *provided*, the same shall not exceed the sum of one thousand dollars. Compensation.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCCCLVI.—*An Act to amend an Act entitled an Act granting the right to construct and maintain a Railroad on certain streets therein named in the City and County of San Francisco, approved April twenty-third, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The grantees mentioned in the first section of said Act, or their assigns, are hereby authorized to change the western portion and terminus of said route by extending the road from Post street northward along Buchanan street to Sutter street; thence westward along Sutter street to Devisadero street; thence northward along Devisadero street to Pine street; thence westward along Pine street to Cemetery avenue. Terminus changed.

SEC. 2. The time for the completion of the said railroad is hereby extended for the term of one year.

CHAP. CCCCLVII.—*An Act to provide for the election of Supervisors in certain Counties in this State.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the County of Sonoma, El Dorado, Santa Barbara, San Luis Obispo, Santa Cruz, Monterey, Shasta, Trinity, Colusa, Siskiyou, Fresno, San Joaquin, Mendocino, Plumas, Lassen, Solano, and Mono, it shall be lawful to elect, and there shall be elected annually, one member of the Board of Supervisors, Election of Supervisors.

whose term of office shall be three years, and until his successor is elected and qualified. Such Supervisors shall be elected at the time and place of holding the general election for State and county officers, and in the years in which there are no general election of State and county officers such Supervisors shall be elected at the elections to be held for the election of Members of Congress.

Term of Office.

SEC. 2. The Supervisors elected in the counties named in this Act at the general election held in the year one thousand eight hundred and sixty-three, shall continue in office for the term of three years from the date of their election and qualification, and until their successors are elected and qualified.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLVIII.—*An Act to create the office of State Geologist, and to define the duties thereof.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

State Geologist, duties of.

SECTION 1. J. D. Whitney is hereby appointed State Geologist. He shall be commissioned by the Governor, and it shall be his duty, with the aid of such Assistants as he may appoint, to complete the geological survey of this State, and prepare a report of said survey for publication, and superintend the publication thereof. Such report shall be in the form of a geological, botanical, and zoological history of the State, and the number of volumes, and the number of copies of each volume to be printed, and the style, form, maps, diagrams, or illustrations to be contained therein or to be printed separately, shall be determined by the State Geologist, and said report, when published, shall be sold upon such terms as the Governor and Secretary of State may decide upon, and the proceeds of such sales shall be paid into the Common School Fund of the State.

Further duties.

SEC. 2. It is hereby made the duty of the State Geologist and his Assistants to devote the time not necessarily required in the preparation and superintendence for publication of the reports provided for in section one of this Act, to a thorough and scientific examination of the gold, silver, and copper producing districts of this State, and to such scientific and practical experiments as will be of value in the discovery of mines and the working and reduction of ores.

Appropriation.

SEC. 3. The following sums of money are hereby appropriated, out of any money in the State Treasury not otherwise appropriated, for the prosecution of the geological survey of the State for the sixteenth and seventeenth fiscal years: For salary of State Geologist nine thousand dollars, to be drawn monthly on the last day of each month. For salary of two Assistants six thousand six hundred dollars, to be drawn in the same manner as the salary of the State Geologist. For publication of

two volumes of report, six thousand dollars. For office rent, and expenses of survey in mining districts, and experiments on ores, and all incidental expenses of work, ten thousand dollars, to be drawn one half each fiscal year.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCCLIX.—*An Act to extend the time for the completion of a Wharf in the City and County of San Francisco, to Caleb S. Hobbs and others, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions and conditions of an Act granting to Caleb S. Hobbs and the Pacific Glass Works and others the right to erect a wharf at the Potrero Nuevo, approved April twenty-seventh, eighteen hundred and sixty-three, are hereby extended two years from and after the passage of this Act. Time extended.

CHAP. CCCCLX.—*An Act authorizing the Yuba Railroad Company to change its northern terminus.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Yuba Railroad Company is hereby authorized to change its northern terminus to or near Marysville, in Yuba County, and to make such changes in its line of road as may become necessary by reason of such change of terminus. Terminus changed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLXI.—*An Act to fund the Indebtedness of the County of Los Angeles.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of liquidating, funding, and paying the hereinafter specified claims against the County of Los

Bonds to be issued.

Angeles, the Board of Supervisors of said county shall and are hereby authorized to cause to be prepared suitable bonds of said county, not exceeding the estimated amount of county indebtedness, upon the first day of July, A. D. eighteen hundred and sixty-four, of the denomination of one hundred dollars, two hundred and fifty dollars, five hundred dollars, and one thousand dollars, bearing interest at the rate of seven per cent per annum from the date of their issue, payable at the office of the County Treasurer of Los Angeles County, upon the second day of January of each year, commencing on the second day of January, A. D. eighteen hundred and sixty-five, and principal sum thereof payable at said County Treasurer's office, in the City of Los Angeles, upon the second day of January, A. D. eighteen hundred and eighty-four; said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons, the first for the interest of six months ending January second, eighteen hundred and sixty-five, and the remainder for one year's interest, each, thereafter, to be consecutively numbered and attached thereto, so as to be removed without injury or mutilation to the bond, which coupons shall be signed by the County Treasurer.

Record of.

SEC. 2. It shall be the duty of the Chairman of the Board of Supervisors, and of the County Treasurer, each, to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer.

Expense of preparing.

SEC. 3. The Board of Supervisors shall be authorized to set aside a sum, not exceeding four hundred dollars, of the first cash paid into the County Treasury to the credit of the General Fund of said county, which shall be appropriated to pay the expenses incurred in preparing the said bonds.

Manner of presenting claims.

SEC. 4. All persons having any claims against the County of Los Angeles entitled to be funded as hereinafter provided, shall upon the presentation to the County Treasurer of the same in a sum equal to the denomination of any of the bonds provided for in section first, be entitled to receive in exchange therefor a bond or bonds signed as aforesaid. Whenever any claim for a sum exceeding the denomination of the bond shall be presented the said County Treasurer may issue certificates for such fractional excess, which certificates shall be transferable, and be entitled to be funded as hereinafter provided for other indebtedness of the county. Upon the Treasurer delivering any bond or bonds signed by him and the Chairman of the Board of Supervisors, the bondholder shall then present the same to the County Auditor of said county, who shall sign the same and stamp his seal of office thereon, and re-deliver the same to the party presenting it, or to his order, taking due receipts therefor, whereupon said bond or bonds shall become legal and subsisting indebtedness of the County of Los Angeles, for the payment of which the faith of said county is hereby pledged.

Further record of bonds.

SEC. 5. The County Treasurer and County Auditor, each, shall keep a record in his office, showing the number, date, and denomination of each bond, and to whom issued and delivered, and in addition thereto the record of the County Treasurer

shall exhibit upon what claim or scrip (describing it and its amount) each bond was issued.

Examination of records and vouchers.

SEC. 6. Whenever the County Auditor shall have signed and delivered ten thousand dollars of bonds as hereinbefore provided, it shall be his duty to notify the Chairman of the Board of Supervisors, whereupon they both shall examine the record kept by the County Treasurer, and his vouchers, and if the same be found correct and legal, and correspond with the record of the County Auditor, they shall then cancel and deface said vouchers so as to prevent them from again being put in circulation, and shall certify on the record of said Treasurer that they have found his record and vouchers to correspond.

SEC. 7. It shall be the duty of the Chairman of the Board of Supervisors from time to time to examine the record and vouchers of the Treasurer and Auditor, and for that purpose he shall at all times have access to the same, and if he finds anything wrong thereabout it shall be his duty to report the same to the District Attorney.

SEC. 8. The following are specified as the claims which are entitled to be received and funded under this Act:

Claims entitled to be funded.

First—All uncancelled Auditor's warrants legally drawn prior to the first day of July, A. D. eighteen hundred and sixty-four, except warrants drawn on the Jail or Cash Fund.

Second—All Auditor's warrants drawn subsequent to the first day of July, eighteen hundred and fifty-four, for indebtedness which occurred prior thereto, except when drawn upon the Jail or Cash Fund.

Warrants.

SEC. 9. It shall be the duty of the County Auditor, in drawing warrants upon an indebtedness accrued prior to the first day of July, eighteen hundred and sixty-four, to specify that fact upon the face of the warrant, except when the warrant is drawn against the Jail or Cash Fund.

Interest.

SEC. 10. Claims against the County of Los Angeles and entitled to be funded by this Act shall be paid in no other manner than hereinbefore provided; and all claims entitled to be funded shall have interest allowed to the first day of July, eighteen hundred and sixty-four, on the same, at the rate of ten per cent per annum, from the date of the protest of the same by the County Treasurer, which interest shall be paid in the same manner as the principal; and all claims shall be presented to be funded by the first day of July, eighteen hundred and sixty-four, or the same shall, from and after that date, cease to draw interest, and the claim or claims shall not be paid until after the entire liquidation of the debt hereby funded.

Tax levied.

SEC. 11. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State taxes, a tax, to be determined by the Board of Supervisors, of not less than twenty-five cents nor more than thirty-five cents upon each one hundred dollars of the assessed value of the real and personal property of said county; and the fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and final redemption of the bonds issued in pursuance of this Act, and shall be known

by the name of the "Interest and Sinking Fund" of eighteen hundred and sixty-four; and if the proceeds derived from this tax should be insufficient from any cause to pay the interest to accrue upon the said bonds in any year, then it shall be the duty of the County Treasurer, in anticipation of such insufficiency, and in advance thereof, to set apart, out of the first moneys paid into the County Treasury to the credit of the General Fund thereof, a sum sufficient to pay the said interest to fall due.

Redemption of bonds.

SEC. 12. Whenever on the second day of January in any year after the payment of the interest as herein provided for, there remains in the said Interest or Sinking Fund a surplus exceeding one thousand dollars, it shall be the duty of the County Treasurer to advertise for one month in a newspaper published in English in the County of Los Angeles for sealed proposals, to be opened one week after the expiration of said publication by the said Treasurer at his office, in the presence of the Board of Supervisors and of the County Auditor, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and shall require said proposals to be accompanied with good and sufficient security that the same shall be carried out within fifteen days after acceptance, the class and form of which security may be prescribed by the County Treasurer. When said proposals are opened, they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted.

Tax may be increased.

SEC. 13. If in the year eighteen hundred and seventy-four the tax provided for in section eleven shall have not produced, after the payment of the interest, a surplus of twenty thousand dollars, to be applied as a Sinking Fund in the redemption of bonds, then the tax to be thereupon levied as specified in section eleven, shall not be less than thirty cents on each hundred dollars of the assessed value of real and personal property in said county.

Extra compensation to officers.

SEC. 14. The Board of Supervisors are duly authorized to allow such a sum, not exceeding in all the sum of five hundred dollars, as extra compensation to those officers who, in their discretion, shall merit the same by reason of the additional labors imposed upon them by this Act.

Redeemed bonds.

SEC. 15. Immediately after any bonds shall have been redeemed as herein provided, it shall be duty of the County Auditor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office; and for that purpose, the County Treasurer shall upon demand exhibit said bonds to him, and shall, furthermore, permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

Penalty for neglect of duty.

SEC. 16. Any county officer or officers of said County of Los Angeles wilfully neglecting or refusing to comply with the requisitions or provisions of this Act, shall be deemed guilty of misdemeanor in office, and fined in a sum not less than two hundred or more than one thousand dollars, to be recoverable before any Court of competent jurisdiction, or dismissed from

office, or both such a fine or dismissal, in the discretion of the Court; and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

SEC. 17. All fines and penalties collected under the provisions of this Act shall be paid into the General Fund for county purposes.

SEC. 18. It shall be lawful for the County Treasurer to pay interest on any warrant drawn by the County Auditor on the Treasury of the County of Los Angeles after the first day of July next, eighteen hundred and sixty-four; and all provisions of law inconsistent or conflicting with the letter or spirit of this section, are hereby repealed. County warrants to bear interest.

SEC. 19. This Act shall take effect from and after its passage.

CHAP. CCCCLXII.—*An Act to amend the Revenue Laws.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-seven of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Section 57. Each County Auditor shall, on the first business day of each calendar month, or within ten days thereafter, report by mail to the Controller of State the amount of money in the County Treasury of his county belonging to the State at the close of business at the end of the previous month, stating specifically in said report the amount received from each source of revenue; prior to making which report he shall examine the books of the County Treasurer of his county, and shall administer to the Treasurer an oath declaring that said books are correct, and that all the money received by him for or on account of the State has been duly entered therein. The Controller of State shall forward to each Auditor blank forms for the accounts to be rendered and for the oath to be taken under this section, and the Auditor shall, from time to time, furnish the Tax Collector with a sufficient number of foreign miners' and other licenses, taking his receipt therefor; *provided*, that in the City and County of San Francisco, said licenses shall be furnished to the Treasurer of said city and county. Auditor to report monthly amount of money in County Treasury belonging to State.

SEC. 2. Section eighty-eight of said Act is hereby amended so as to read as follows:

On the first business day of January, April, July, and October, respectively, of each year, or within ten days thereafter, each County Auditor shall report to the Controller of State the number of State licenses issued by the Tax Collector or officer charged with the duty of issuing the same, the amount of money paid for To report quarterly on sale of licenses.

the same, and the number and description of licenses on hand, and the Controller of State shall hold each County Treasurer or other county officer responsible for all licenses and receipts issued to him under this Act not accounted for or returned at the settlement required by this Act to be made in July of each year.

SEC. 3. Section one hundred and two of said Act is hereby amended so as to read as follows:

County Treasurers, time and manner of settlement with the Controller.

Section 102. The Treasurers of the respective counties shall at all times hold themselves in readiness to settle and pay all moneys in their hands, whenever required so to do by an order signed by the Controller and Treasurer of State; and the Controller and Treasurer of State are hereby authorized to draw such orders whenever they deem it proper. The Treasurers of the Counties of Amador, Alameda, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra, Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara, Tuolumne, and Yuba, respectively, shall, on the first business day of January, April, July, and October, respectively, of each year, and the County Treasurers of other counties of this State shall, on the first business day of January and July, respectively, in each year, proceed to the State Capital and shall settle in full with the Controller of State, and pay over in cash to the Treasurer of State all funds which shall have come into their hands as County Treasurers before the close of business at the end of the previous month, for the use and benefit of the State, taking therefor a receipt from the Treasurer of State, which receipt he shall forthwith file with the Controller of State; and any County Treasurer who shall fail, neglect, or refuse to appear at the office of the Controller and Treasurer on the days above specified, or within fifteen days thereafter, and then and there to settle and make payment as required by this Act, shall forfeit all fees, percentage, and mileage, which would have otherwise been due him on said settlement; and the Controller is hereby authorized and required to withhold all such fees, percentage, and mileage, and require the same to be paid into the Treasury for the use and benefit of the State. Before making any settlement, each County Treasurer shall produce to the Controller of State a report from the County Auditor, together with a duplicate thereof, stating specifically the amount due the State from each particular source of revenue, the original of which shall be filed with the Controller of State, who shall enter upon the same, and also upon the duplicate, the cash paid to the Treasurer of State, and also the commissions and mileage allowed to the County Treasurer for his payments, and any other allowances which shall be found due to the county or the officers thereof. The County Treasurer shall file the said duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's accounts; and it shall be the duty of the Auditor to furnish the Treasurer with the report which said Treasurer is required to produce in making his settlement with the State; *provided*, that the County Treasurers of the Counties of Humboldt, Klamath, and Del Norte shall, on the second Mondays of November and May, of each year, make their semi-annual settlement with the Controller and Treasurer of State.

April report

SEC. 4. The settlement and report required by said Act to be made on the second Monday of February shall be made as so required for the said period of the present fiscal year, and the settlement and report required by this Act to be made on the first business day of April next shall embrace the period from the date of said February settlement and report to the end of March of this year.

Provisions of former Act.

SEC. 5. The provisions of an Act entitled an Act concerning the duties of County Treasurers, approved April twenty-nine, eighteen hundred and sixty-two, shall remain in full force and effect; *provided*, that the date and periods specified in this Act shall be observed.

Fees of officers of San Francisco County.

SEC. 6. All fees, commissions, and percentages which, by an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one, are required to be paid into the Treasury of said city and county, and all fees, percentages, and commissions implied by this Act, or the Act of which this is amendatory, to be paid to the Treasurer, Auditor, Tax Collector, or any other officer of the City and County of San Francisco, shall be paid by such officers into the Treasury of said city and county, or shall be retained in the Treasury, as heretofore required, to the credit of the Special Fee Fund of said city and county.

Effect of Act

SEC. 7. This Act shall not repeal or affect any of the provisions of the Act entitled an Act providing for the government of the County of Sacramento, passed April twenty-fifth, eighteen hundred and sixty-three, or any of the provisions of the Act entitled an Act concerning the duties of County Treasurers, passed April twenty-ninth, eighteen hundred and sixty-two.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXIII.—*An Act to provide for Funding the Indebtedness of the County of Colusa.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Funding Commissioners.

SECTION 1. In order to fund the indebtedness of the County of Colusa, the President of the Board of Supervisors, the County Auditor, and County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Funding Commissioners" of the County of Colusa, and shall have and exercise the powers and perform the duties hereinafter provided.

Bonds.

SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds in not less than the sum of fifty dollars nor more than five hundred dollars each, bearing interest at the rate of ten per cent per annum from the date of their issue. Said bonds shall be made payable at the office of the

County Treasurer, on the first day of January, one thousand eight hundred and seventy-nine. The interest accruing on said bonds shall be due and payable on the first day of January next, after which time the interest shall be due and payable on the first day of July and January of each year, until said bonds shall be paid and liquidated. The interest on said bonds shall be made payable at the said County Treasurer's office. Said bonds shall be signed by the President of the Board of Supervisors of said county, and countersigned by the County Auditor.

Coupons.

SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without mutilation to the bond, and shall be signed in the same manner as the bonds are required to be signed. Said coupons shall each express the amount of interest due, and when and where payable. When any interest shall be paid upon a bond issued under the provisions of this Act, the coupon for the interest then due and paid shall be detached from the bond, and delivered by the County Treasurer to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Claims entitled to be funded.

SEC. 4. All persons having any indebtedness against said County of Colusa, payable on or before the fifteenth day of June, eighteen hundred and sixty-four, whether in warrants drawn upon the Treasurer or accounts audited and allowed by the Board of Supervisors, shall be entitled to the privilege of funding the same by virtue of this Act; and any judgment which may at any time be obtained against said County of Colusa on account of any suit now pending, or which may be brought on any cause of action which now exists, or which may exist prior to June fifteenth, eighteen hundred and sixty-four, shall be, as other indebtedness, funded under the provisions of this Act.

Fund created.

SEC. 5. On the said fifteenth day of June, eighteen hundred and sixty-four, the Road Fund, the Indigent Sick Fund, the General Fund, and the Contingent Fund shall cease to exist, and any money remaining therein shall be transferred to a Fund hereby created, which Fund shall be called the Common Fund of the County of Colusa.

SEC. 6. The said bonds shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first of January, eighteen hundred and sixty-five.

Record of bonds.

SEC. 7. It shall be the duty of the Treasurer and Auditor of said county, each, to keep a separate record of all such bonds, showing the number, date, and amount thereof, and to whom the same were issued. It shall also be the duty of said Treasurer and Auditor, each, to keep a separate record of all the indebtedness of said county funded under the provisions of this Act, showing the nature of the same, whether warrants or audited accounts, and to whom issued, the date and amount thereof, by whom presented, and the time of funding the same.

SEC. 8. It shall be the duty of the County Treasurer of said county to indorse, over his signature as such Treasurer, on the back of such warrants, audited or certified accounts funded under this Act, the words "cancelled by funding," with the date thereof, and deliver the same over to the County Auditor, who shall receipt to the Treasurer, and file the same in his office.

SEC. 9. The said Funding Commissioners, previous to the making out of the general assessment list for said county in each and every year, shall certify and deliver to the Board of Supervisors of said county the amount which shall be necessary to be raised for the payment of the interest of the debt herein funded, and the Board of Supervisors shall cause to be added to the amount which may be authorized by law to be raised for other purposes, such a percentage on all the taxable property taxed for State and county purposes as will, in their judgment, realize the amount so certified for the payment of such interest. Such percentage shall be collected at the same time and in like manner as State and county taxes; *provided*, that for the year eighteen hundred and sixty-four all taxes that may have been by the Board of Supervisors levied for said year shall be deemed invalid, and that at some time within thirty days after the passage of this Act the said Board shall make a new levy of taxes for said year, which shall include the interest percentage provided for in this section; and, *provided*, further, that the said Board of Supervisors shall have no power to levy for county purposes, in or for any one year, a tax to exceed in the aggregate eighty cents on each one hundred dollars of the taxable property in said county, excepting for the Interest and Sinking Funds as provided for in this Act. Interest tax

SEC. 10. The first moneys collected on such general assessment list for county purposes, and paid in to the Treasurer of said county, equal to the amount so certified for interest, shall be by him set aside as a Special Interest Fund, which shall be applied to the payment of the interest falling due upon said bonds. Payment of interest.

SEC. 11. If there shall be collected of the percentage authorized by this Act to be added to the amount of tax levied for other purposes upon the taxable property of said county a sum greater than the amount so set aside by the said Treasurer, under the last section, as a Special Interest Fund, the Treasurer shall set apart such excess as a Special Sinking Fund; but in the event the said Interest Fund is insufficient to pay the interest on said bonds when the same falls due, the said Treasurer shall draw on the General Fund of said County of Colusa for such purpose.

SEC. 12. Five years from and after the passage of this Act there shall commence to be levied annually, by the Board of Supervisors of said county, in addition to all other legal taxes, ten per cent upon the whole aggregate amount of the debt of said county funded under this Act, which shall be collected in like manner and at the same time as the general tax for State and county purposes, and paid in to the County Treasurer, who shall place the amount so levied and collected in the Special Sinking Fund created by section eleven of this Act. In and for the years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, there shall be levied annually, by the Board of Supervisors of said county, in addition to all other legal taxes, five per cent upon the whole aggregate amount of the debt of said county funded under this Act. And from and after the year eighteen hundred and sixty-eight, there shall be levied annually by said Board, in addition to all other legal taxes, ten per cent upon the whole aggregate Redemption tax.

amount of said funded debt that may be outstanding at the time the taxes for said county shall be levied in and for the year eighteen hundred and sixty-nine. All percentage levied by virtue of this section shall be collected in like manner and at the same time as the general tax for State and county purposes, and paid in to the County Treasurer, who shall place the amount so levied and collected in the special Sinking Fund created by section eleven of this Act.

Redemption of bonds.

SEC. 13. Whenever there shall be in said Sinking Fund one thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper of said county, for the space of four weeks, for sealed proposals for the redemption of said bonds, and in six weeks from the time of the insertion of said advertisement the Treasurer shall open the sealed proposals in the presence of the County Auditor and President of the Board of Supervisors, and shall pay and liquidate, as far as the Sinking Fund then on hand will extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than the par value, then the payment shall be made pro rata upon all the bonds so proposed to be surrendered; and, *provided*, whenever there shall be sufficient moneys in the said Sinking Fund for the extinguishment of the debt of said county funded under this Act, it shall be the duty of the Treasurer to advertise, as heretofore provided, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in the Sinking Fund shall be paid into the General Fund of the county.

Bonds cancelled.

SEC. 14. Whenever any bonds shall have been paid and redeemed by the County Treasurer, he shall mark the same "cancelled," over his signature as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor; and the County Auditor, upon the receipt of cancelled bonds, shall file the same in his office.

Accounts to be opened.

SEC. 15. The County Auditor shall open with the County Treasurer a "Special Interest Fund" account, and a "Special Sinking Fund" account, and shall balance and settle the same quarterly, on the first Monday in April, July, October, and January of each year.

Notice of funding to be given.

SEC. 16. Immediately after the passage of this Act the said Commissioners shall advertise that the funding of said debt will commence and continue up to to the fifteenth day of June next, from which time it shall not be lawful for the Treasurer to pay or liquidate any of the then indebtedness of said county in any other manner than is herein provided.

Compensation of officers.

SEC. 17. Each of said Commissioners in office at the time of the passage of this Act shall receive, in full compensation for duties performed under the provisions of this Act, one quarter of one per cent on the amount of the debt funded by them, and their successors shall be required to perform the duties herein required of them, as a part of their official duties as President, Treasurer, and Auditor, without additional compensation.

SEC. 18. After the fifteenth day of June, A. D. eighteen hun-

dred and sixty-four, the Board of Supervisors of said county shall contract no debts and incur no liabilities that shall, singly or in aggregate with other previous debts or liabilities contracted or incurred after the said fifteenth day of June, exceed two thousand dollars more than the amount of money in the County Treasury, aside from what may be in the Sinking and Interest Funds created by this Act. Limitation of indebtedness.

SEC. 19. All laws and parts of laws conflicting with the provisions of this Act are hereby repealed so far as the same may relate to the said County of Colusa.

SEC. 20. This Act shall take effect from and after its passage.

CHAP. CCCCLXIV.—*An Act amendatory of and supplementary to an Act concerning Roads and Highways in certain Counties of this State, approved April fourteenth, eighteen hundred and sixty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

[Section 5.] Each able bodied male person (Indians excepted) over twenty-one and under fifty years of age, shall each and every year perform one day's labor on the public roads and highways within the Road District in which he shall reside or hold property under the direction of the Road Master of such district, as provided in this Act. The Board of Supervisors shall also levy an additional tax of twenty cents on each one hundred dollars of the valuation of all property subject to taxation in the County of Sonoma for road purposes, which said tax shall be collected by the Road Master of the district where the property is located; *provided*, that any person liable to pay road tax under the provisions of this section, shall be allowed to pay the said tax so assessed against him in labor (at the rate of two dollars per day) within the district he shall reside in and where said property is situated, under the direction of the Road Master of such district, as provided in this Act. The Road Master of each district shall, between the first day of October and the first day of June after his election, notify each person in his district and all persons owning property within his district who are by this Act required to perform labor on the public highways, or to pay tax in lieu thereof, to appear at a time and place within said district, prepared with such implements or tools as the Road Master shall direct, for the purpose of performing such labor, or paying such tax in lieu thereof; and if any person, after receiving three days notice, verbally or in writing, by the Road Master (except in case of sickness) shall refuse or neglect to attend or pay the said tax, or having attended, shall refuse to labor or pay the tax, as herein provided, or shall disobey any reasonable order of the Road Master, every such

Labor on Roads.

Penalties.

person shall be considered delinquent, and shall forfeit and pay for the use of the roads in his district the sum of two dollars per day for each day he shall refuse or neglect to labor, and an additional sum of one dollar for every disobedience of any reasonable order of the Road Master while performing such labor; *provided*, further, if the person so liable to labor or pay road tax within the Road District, as provided in this section, shall reside without the district, such notice shall be served at least ten days before the time specified in such notice for the performance of such labor or the payment of the tax in lieu thereof, and may be served by mail; and, *provided*, further, that one day additional time shall be added for every twenty-five miles the person so liable shall reside from the Post Office within said Road District where such notice shall be deposited.

SEC. 2. Section seventh of said Act is hereby amended so as to read as follows:

List of persons required to labor.

[Section 7.] The Road Master of each district shall, within twenty days after he shall have entered upon his duties, make out a list of the names of all persons in his district, in alphabetical order, who are required by this Act to perform labor on the public highway or pay a tax in lieu thereof, and deliver the same to the Clerk of the Board of Supervisors of said county. It shall be the duty of the Clerk of the Board to compare said list with the assessment roll of the county, as approved by the said Board of Supervisors, and ascertain the amount of labor, or tax to be paid in lieu thereof, to be performed under the provisions of this Act in said district; and the Clerk of the Board of Supervisors shall, on or before the first day of October of each year, transmit a copy of the list of all persons liable to pay road tax under the provisions of this Act to the proper Road Master of each Road District within said county, to be used by him in making the assessment and collections, as provided in this Act.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows:

Recovery of penalties.

[Section 8.] For any violation of the provisions of section five of this Act the Road Master may and he is hereby required to commence an action before any Justice of the Peace of his township, in his own name, for the recovery of any or all of the penalties mentioned in said section; and in the trial of such actions the Road Master shall be a competent witness for either party; and for the purpose of carrying into full force and effect the provisions of this Act, all the provisions of the Civil Practice Act of this State, so far as the same are consistent with the provisions of this Act, are hereby made applicable to proceedings under this Act.

SEC. 4. Section twelve of said Act is hereby amended so as to read as follows:

Pay of Road Masters.

[Section 12.] The Road Masters, for all services required of them by this Act, shall be entitled to receive the sum of three dollars for each day necessarily employed by them in the discharge of their duties, to be paid out of the Road Fund on the order of the County Auditor. They shall keep an account of the time they shall have been employed, and shall render the same on their annual report or settlement with the Board of Supervisors, on oath, and if the same shall be found correct,

the amount shall be audited as in other cases; *provided*, further, that all money recovered by him under the provisions of section five of this Act, shall be faithfully applied in repairing the public roads and highways in his district. Every Road Master, elected and qualified under the provisions of this Act, who shall wilfully and intentionally omit or neglect to perform the duties imposed upon him by the provisions of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty nor more than three hundred dollars, and the payment and collection of such fine may be enforced by execution, as in civil cases.

SEC. [5.] This Act shall apply only to the County of Sonoma, and shall take effect and be in force from and after its passage.

CHAP. CCCCLXV.—*An Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, is hereby amended so as to read as follows:

Section 1. The District Judges of the Sixth, Seventh, and Tenth Judicial Districts are, each, hereby authorized to appoint, and the District Judges of the Fourth, Twelfth, and Fifteenth Judicial Districts are hereby authorized to recommend, and upon such recommendation the Governor may appoint a competent shorthand Reporter, who shall at the request of either party in a civil case or in criminal cases triable in the District Court, at the request of the Court, take down in shorthand the rulings of the Court, the exceptions taken, and the testimony, and shall within five days after the trial of such case, write out the same in plain legible longhand writing, and file it, together with the original shorthand writing, with the Clerk of the Court in which the cause was tried; *provided*, that said Reporters so appointed shall, before entering upon their duties, take and subscribe the oath prescribed by law for Attorneys and Counsellors-at-law practicing in the Courts in this State.

Appointment of District Court Reporters.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXVI.—*An Act authorizing the State Treasurer to settle with Joseph S. Paxson, Treasurer of the City and County of San Francisco.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Settlement authorized.

SECTION 1. For the purpose of effecting the settlement required to be made by the Treasurer of the City and County of San Francisco with the Controller and Treasurer of the State of California in the month of February, one thousand eight hundred and sixty-three, the State Treasurer is hereby authorized and required to receive from the said Treasurer of the City and County of San Francisco the amount of money received by said Treasurer for Federal taxes in the same kind of currency in which said Federal taxes were received; *provided*, that the provisions of this Act shall only apply to the settlement required to be made in said month of February, in the year one thousand eight hundred and sixty-three.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXVII.—*An Act amendatory of and supplemental to an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifty-two of said Act is hereby amended to read as follows:

Order of persons entitled to administer.

Section 52. Administration of the estate of a person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

First—The surviving husband or wife, or some person as he or she may appoint.

Second—The children.

Third—The father or mother.

Fourth—The brothers.

Fifth—The sisters.

Sixth—The grandchildren.

Seventh—Any other of the next of kin who would be entitled to share in the distribution of the estate.

Eighth—The Public Administrator.

Ninth—The creditors.

Proviso.

Tenth—Any person or persons legally competent; *provided*, that when there was any partnership existing between the intestate, at the time of his death, and any other person, the sur-

viving partner shall in no case be appointed Administrator of the estate of such intestate.

CHAP. CCCCLXVIII.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and nineteen of the above entitled Act is hereby amended so as to read as follows:

Section 219. The following property shall be exempt from execution, except as herein otherwise specially provided: Property exempt from execution.

First—Chairs, tables, desks, and books, to the value of one hundred dollars, belonging to the judgment debtor.

Second—Necessary household, table, and kitchen furniture belonging to the judgment debtor, including stoves, stovepipe, and stove furniture, wearing apparel, beds, bedding, and bedsteads, and provisions actually provided for individual or family use sufficient for one month.

Third—The farming utensils or implements of husbandry of the judgment debtor; also, two oxen, or two horses, or two mules, and their harness, four cows, one cart or wagon, and food for such oxen, horses, cows, or mules, for one month; also, all seed grain or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars.

Fourth—Tools or implements of a mechanic or artisan necessary to carry on his trade, the instruments and chest of a Surgeon, Physician, Surveyor, and Dentist, necessary to the exercises of their profession, with their scientific and professional libraries; the law libraries of Attorneys and Counsellors, and the libraries of Ministers of the Gospel.

Fifth—The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any kind of mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules, or oxen, with their harness, and food for such horses, mules, or oxen, for one month, when necessary to be used for any whim, windlass, derrick, car, pump, or hoisting gear.

Sixth—Two oxen, two horses, or two mules, and their harness, and one cart or wagon, by the use of which a cartman, huckster, peddler, teamster, or other laborer habitually earns his living; and one horse, with vehicle and harness or other equipments, used by a Physician, or Surgeon, or Minister of the

Property exempt from execution.

Gospel in making his professional visits, with food for such oxen, horses, or mules, for one month.

Seventh—All fire engines, hooks and ladders, with the carts, trucks, and carriages, hose, buckets, implements, and apparatus thereto appertaining, and all furniture and uniforms of any fire company or department organized under any law of this State.

Eighth—All arms, uniforms, and accoutrements, required by law to be kept by any person.

Ninth—All Court-houses, Jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances, belonging and pertaining to the Court-house, Jail, and public offices belonging to any county of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of the fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this State; but no article or species of property mentioned in this section shall be exempt from execution issued upon a judgment recovered for its price or upon a mortgage thereon.

Tenth—The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution, (or levy of attachment,) when it shall be made to appear by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family residing in this State, supported wholly or in part by his labor.

CHAP. CCCCLXIX.—*An Act concerning Jurors in certain Counties.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Competent jurors.

SECTION 1. A person shall be competent and qualified to Act as a grand or trial juror if he be:

First—A citizen of the United States, a qualified elector of the county, and a resident of the township at least three months before being selected and returned.

Second—In possession of his natural faculties, and have sufficient knowledge of the language in which the Court is held.

Incompetent jurors.

SEC. 2. A person shall be incompetent and disqualified from acting or serving as a grand or trial juror if he be:

First—A person not possessing the qualifications of section one of this Act.

Second—A person convicted of a felony or misdemeanor involving moral turpitude.

Third—A professional gambler, following gambling for a business.

SEC. 3. A person shall be exempt from liability to act as a grand or trial juror, and shall not be selected, if he be: Persons exempt.

First—A judicial, civil, or military officer of the United States or of the State of California.

Second—A person holding a county office.

Third—An Attorney and Counsellor at Law.

Fourth—A Minister of the Gospel, or a Priest of any denomination.

Fifth—A Teacher in a College, Academy, or School.

Sixth—A practicing Physician.

Seventh—An officer, Keeper, or attendant of an Alms-house, Hospital, Asylum, or other charitable institution in this State.

Eighth—Any person engaged in the performance of duty as officer or attendant of a County Jail or the State Prison.

Ninth—A Captain, Master, or other officer, or any person employed on board of a steamer, vessel, or boat navigating the waters of this State.

Tenth—An Express Agent, Mail Carrier, Telegraph Operator, or Keeper of a public ferry or toll gate.

Eleventh—A person otherwise exempt by law.

SEC. 4. Any person may be excused from acting as a juror when for any reason his interests or those of the public will be materially injured by his attendance, or when his own health or the death or sickness of a member of his family require his absence. Jurors may be excused.

SEC. 5. When at any time before the session of a Court authorized by law to inquire into public offences by the intervention of a grand jury it shall appear necessary to the presiding Judge of said Court that a grand jury should be summoned, or when a petition, signed by twenty or more electors of the county, asking that a grand jury should be summoned, shall be presented to said Judge, he shall in writing order the Sheriff of the county in which the Court is to be held to summon such grand jury. Summoning a Grand Jury.

SEC. 6. Upon receipt of the order, as mentioned in the last section, the County Judge, County Clerk, and Sheriff shall immediately proceed to copy from the assessment roll of the county the names of fifty persons, each name upon a separate piece or slip of paper; the ballots so prepared shall be placed in a box prepared by the County Clerk for that purpose, and said County Clerk shall, in the presence of the County Judge and the Sheriff, draw from the box the names of twenty-four persons, to serve as grand jurors until discharged by the Court. The Clerk shall keep a correct list of the names placed in the box, and of the names of those so drawn, and the list shall be signed by the County Judge, the County Clerk, and the Sheriff, and be filed in the Clerk's office. It shall also be the duty of the Sheriff, upon receipt of the order, to post written notices of the time and place of the drawing, provided in this section, in three of the most public places in the town or city in which the Court is to be held; such notice shall be posted at least one week before such drawing.

SEC. 7. After the drawing the Clerk shall make a certified copy of the list mentioned in the last section, and deliver the same to the Sheriff. It shall be the duty of the Sheriff, upon

Summoning a Grand Jury.

receipt of such list, to proceed to summons the persons mentioned therein to attend the Court, by giving written notice to each of them personally, or by leaving such notice at his place of residence with some person of suitable age and discretion.

SEC. 8. The Sheriff shall also return in the list to the Court at its opening, specifying the persons summoned and the manner in which each was notified.

SEC. 9. At the opening of the Court the list shall be called over, and the Court may impose a fine not exceeding one hundred dollars for each day a grand juror shall, without cause, neglect to attend. If, however, the notice was not personally served, the fine shall not be imposed until, upon order to show cause, an opportunity has been afforded to the juror to be heard.

SEC. 10. When, of the persons summoned, not less than seventeen and not exceeding twenty-three attend, they shall constitute the grand jury. If of the persons summoned less than seventeen attend, they shall be placed on the grand jury, and the Court shall order the Sheriff to summons from the body of the county, and not from the by-standers, a sufficient number to complete the grand jury.

SEC. 11. If a challenge to the panel or to an individual grand juror, or if, and as often as it becomes necessary from any other cause, the Court may order the Sheriff to summons, either immediately, or for a day fixed, from the body of the county, but not from the by-standers, a sufficient number of persons qualified to act as jurors to complete the grand jury or to form a new grand jury, as the case may be.

SEC. 12. If the Judge of the Court, as provided in section five of this Act, shall not deem it necessary that a grand jury shall be summoned, or if the petition therein mentioned shall not be presented, and if, after the commencement of the session of the Court it shall appear proper to said Judge that a grand jury should be summoned, he shall cause an order to be entered upon the minutes of the Court ordering the same, and a copy of such order shall be delivered to the Sheriff.

SEC. 13. It shall be the duty of the Sheriff, upon the receipt of the order mentioned in section twelfth, to proceed immediately and summons twenty-four persons qualified to act as jurors, from the body of the county, and not from the by-standers, to appear before the Court at the time mentioned in said order; the summons shall be served in the same manner as provided in section seven of this Act.

SEC. 14. The grand jury provided for in sections twelve and thirteen of this Act shall be subject to the provisions of sections nine, ten, and eleven, of this Act, and shall be as competent in all respects as if summoned before the session of the Court.

Summoning a Trial Jury for District Court.

SEC. 15. A trial jury shall be drawn for every general term of the District Court, and for every term of the County Court held for criminal business.

SEC. 16. The trial jurors for the District Court and County Court shall be drawn and summoned in the same manner as grand jurors are required to be summoned by this Act, and the provisions of this Act as to the formation of grand juries, and the imposition of a fine upon grand jurors for non-attendance when summoned, shall apply to the formation of trial juries in

those Courts, the word "trial" being substituted for "grand" in those sections, and except that no trial jury shall consist of more than twelve jurors.

SEC. 17. When from any cause it shall become necessary during the term, the Court may order the Sheriff to summon, either immediately or for a day fixed, from the citizens of the county qualified to act as jurors, but not from the by-standers, a sufficient number of persons to complete or form a trial jury, as the case may be. The persons thus summoned shall be as competent trial jurors in all respects as if drawn and summoned before the commencement of the term.

For County and Probate Courts.

SEC. 18. A trial jury shall be summoned for the County Court and for the Probate Court whenever specially ordered by those Courts. All of the qualifications and provisions in this Act as to jurors for the District Court shall apply to jurors for the County Court and Probate Court.

For Justices' Courts.

SEC. 19. A trial jury shall be summoned for a Justice's Court from the citizens of its township who are qualified to act as jurors whenever specially ordered by the Court; *provided*, that in civil actions the parties may agree upon any number of jurors less than twelve, but not under three. The jurors for a Justice's Court shall be summoned by its Constable.

SEC. 20. The officer shall return to the Court a list of the names of the persons summoned, with his certificate of the names of services. The list shall be called over at the appointed time for the trial. If a sufficient number of competent and indifferent jurors do not attend, or if any of them shall be excluded, exempted, or excused from any cause, the Justice shall direct the Constable to summon others from the vicinity, but not from the by-standers, sufficient to complete the jury.

SEC. 21. The Justice before whose Court jurors are summoned may impose a fine not exceeding fifty dollars for the neglect of a juror, without reasonable cause, to attend.

Juries of Inquest.

SEC. 22. The officer before whom a jury of inquest is summoned may impose a fine upon a juror for non-attendance in the same manner and subject to the same conditions as jurors may be fined for non-attendance in a Justice's Court.

Actions inoperative.

SEC. 23. All action which has been taken or made by the Board of Supervisors in relation to the selecting and summoning of jurors for the several Courts of their county for the year eighteen hundred [and] sixty-four shall be inoperative and of no force and effect after the first day of June, eighteen hundred and sixty-four.

Counties affected by Act.

SEC. 24. This Act shall only be in force in the Counties of Plumas, Humboldt, Klamath, Del Norte, Butte, Siskiyou, Nevada, El Dorado, Tehama, Colusa, Tulare, Sutter, Trinity, and Sierra, and the County of Lassen, whenever said County of Lassen shall be created and organized in this State; and all laws and parts of laws being in conflict with this Act are hereby repealed, so far as the same may apply to the Counties of Plumas, Sierra, Humboldt, Klamath, Del Norte, Butte, Trinity, Siskiyou, Nevada, El Dorado, Tehama, Colusa, Tulare, Sutter, and Lassen.

CHAP. CCCCLXX.—*An Act to create the County of Coso, to define its Boundaries, and to provide for its Organization.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County formed, boundaries.

SECTION 1. There shall be formed out of portions of Tulare and Mono Counties a new county to be called "Coso."

SEC. 2. The boundaries of Coso County shall be as follows: Commencing at the point where the southern boundary line of Tulare County is intersected by the eastern boundary line of the State of California, and running in a westerly direction along said county boundary line to the summit of the Sierra Nevada Mountains; thence in a northerly direction along said summit, to the head waters of Big Pine Creek; thence in an easterly direction down the middle of the channel of said Big Pine Creek, to its mouth; thence due east, to the State line; thence in a southerly direction along the State boundary line, to the place of beginning.

Seat.

SEC. 3. The seat of justice of Coso County shall be at Bend City until otherwise located, as hereinafter provided.

Election.

SEC. 4. There shall be held an election in said county on the sixth day of June, eighteen hundred and sixty-four, at which election there shall be chosen a County Clerk, who shall be ex officio County Recorder and Auditor, a Sheriff, who shall be ex officio Collector of all property tax, poll tax, and license tax of every description, a District Attorney, an Assessor, a Treasurer, a Surveyor, a Coroner, who shall be ex officio Public Administrator, and three Supervisors. At the said election it shall be determined, by a vote of the qualified electors of said county, the place at which shall be located the county seat until otherwise provided by law, and on the ballots to be used at said election shall be written or printed, and shall read thus: "For County Seat, ——," naming in the blank the place voted for.

Commissioners of.

SEC. 5. E. S. Sayles, G. J. Slocum, D. C. Owen, John R. Hughes, and John Lentell, are hereby appointed and constituted a Board of Commissioners to designate the Election Precincts in said County of Coso for the said election, to appoint the Inspectors and Judges of the several precincts as designated, to receive and canvass the returns of election, and to issue certificates of election to the persons entitled to the same. The Board shall meet two weeks previous to the election at Bend City, and shall appoint one of their number President, and one Clerk. A record of their proceedings shall be kept. The attendance of a majority of the members of the Board shall be necessary for the transaction of business. At the said meeting the Board shall designate the precincts of the county, and appoint Inspectors and Judges of such precincts, and give notice at each of said precincts.

Returns of.

SEC. 6. Sealed returns from officers of election may be delivered to any member of said Board. The Board shall meet on the tenth day subsequent to the election at Bend City, and the returns shall then be opened and read, and under their direction

and in their presence a tabular statement shall be made out, showing the vote given at each precinct of the county for each person and for each of the offices to be filled at the election, and also the entire vote given for each person. The statement made out by such Board shall be signed by its President and Clerk. The person having the highest number of legal votes for the several offices to be filled shall be declared to be elected, and the President shall immediately make out and send or deliver a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk. The Board of Commissioners, at the same time and in like manner shall canvass the returns of election for the location of the county seat, and the place voted for receiving a majority of all the legal votes cast, shall be declared to be the county seat of said County of Coso.

County Judge.

SEC. 7. Immediately after the passage of this Act the Governor shall appoint and commission some suitable person as County Judge for said county, who shall hold his office until the next special election for judicial officers and until his successor is elected and qualified, at which election a County Judge shall be elected by the qualified voters of the county, and hold his office for the term fixed by law.

County officers, terms of.

SEC. 8. The persons elected as county officers, as provided in this Act, shall qualify before the County Judge within ten days after receiving their certificate of election, and shall enter upon the discharge of their duties; they shall hold their respective offices until the next general election for members of the Assembly, and until their successors are elected and qualified. At the next general election for members of the Assembly, and at each general election thereafter, the officers mentioned in section four of this Act shall be elected, and shall hold their offices for the term fixed by law. Before entering upon the discharge of their duties they shall, each, give a bond, to be approved by the County Judge for the following amounts:

Bonds of.

The Sheriff, in the sum of ten thousand dollars.
The Clerk, in the sum of five thousand dollars.
The Treasurer, in the sum of ten thousand dollars.
The District Attorney, in the sum of two thousand dollars.
The Surveyor, in the sum of two thousand dollars.
The Assessor, in the sum of five thousand dollars.
The Coroner, in the sum of two thousand dollars.
The Supervisors, each, in the sum of one thousand dollars.

SEC. 9. The President of the Board of Commissioners shall transmit without delay a copy of the tabular statement prepared, as provided for in this Act, to the Secretary of State, the election returns of the county, and a duplicate tabular statement shall be furnished to and retained by the County Judge until the person elected as Clerk of said county has qualified and entered upon the discharge of his duties, after which they shall be filed in the office of said County Clerk.

Salaries of

SEC. 10. The County Judge shall receive for his services the sum of one thousand dollars per annum, to be paid quarterly. The District Attorney shall receive for his services, the sum of

eight hundred dollars per annum, to be paid in the same manner. The other county officers, whose salaries are not fixed by law, shall receive for their services such fees as are prescribed in an Act entitled an Act to regulate fees in office, approved April tenth, eighteen hundred and fifty-five, from section four to section twenty-two, inclusive, and all provisions contained in such Act shall apply to officers of Coso County.

County attached to others for representative, etc., purposes.

SEC. 11. The County of Coso, for representative purposes, shall be attached to the County of Tulare, and shall be attached to and form a part of the Fourth Senatorial District; and for judicial purposes shall be attached to and form a part of the Thirteenth Judicial District; and the terms of the District Court in and for said County of Coso shall be held on the fourth Monday of July and December.

Vacancy in Board of Supervisors.

SEC. 12. Whenever a vacancy occurs in the Board of Supervisors by death, resignation, or otherwise, the Board shall appoint some suitable person to fill the vacancy until the next general election, when a person shall be elected who shall hold his office for the remainder of the unexpired term for which his predecessor was elected.

Salaries of Supervisors.

SEC. 13. The Supervisors of Coso County shall receive for their services the sum of three hundred dollars per annum each. They shall perform all the duties required of them by law to be done, and shall receive no other compensation for their services than is herein provided, which compensation shall be drawn quarterly, as the services are performed. The Supervisors shall elect one of their number President of the Board.

County to be divided into townships.

SEC. 14. The Board of Supervisors shall, immediately upon entering on the discharge of their duties, divide the county into a convenient number of townships, and cause such division to be published in some newspaper of general circulation. They shall, also, at the same time, provide for an election of two Justices of the Peace and two Constables for each township; *provided*, that all township officers chosen at the last general and special election for Tulare County, whose townships by this Act may be included within the present limits of Coso County, shall continue to hold their respective offices for said County of Coso during the term for which they were elected, and until their successors are elected and qualified.

Division of debt between Tulare and Coso.

SEC. 15. The Board of Supervisors of Coso County shall appoint two Commissioners to meet a corresponding number of Commissioners appointed in like manner by Tulare County, for the purpose of ascertaining and settling the amount of indebtedness said County of Coso shall assume and become responsible for of the debt of the County of Tulare; and when ascertained and certified to by said Commissioners, or a majority of them, to their respective counties, the Board of Supervisors of Coso County shall cause to be issued a warrant drawn upon the County Treasurer of Coso County in favor of Tulare County for the sum so agreed upon, payable out of any money that may come into the Treasury of Coso County.

SEC. 16. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as applicable to the County of Coso, are hereby repealed.

SEC. 17. This Act shall take effect from and after its passage.

CHAP. CCCCLXXI.—*An Act to amend an Act entitled an Act to provide for the formation of Corporations for the accumulation and investment of Funds and Savings, approved April eleven, eighteen hundred and sixty-two.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Majority of Directors may transact business.

Section 9. A majority of the whole number of Directors shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board, or a larger number, if the by-laws shall so require, shall be valid as a corporate Act.

SEC. 2. Section twenty-seven of said Act is hereby amended so as to read as follows:

How Societies may become incorporated.

Section 27. All corporations for the accumulation, preservation, and investment of funds and savings, all Savings and Loan Societies, and all associations or societies for the like purpose, claiming in good faith to be incorporated under the laws of this State, may avail themselves of the provisions of and become incorporated under this Act by filing with the County Clerk of the county in which their principal place of business is located, and a certified copy thereof in the office of the Secretary of State, a certificate stating their intention and election to become so incorporated, which intention and election may be made and declared by the Trustees or acting Trustees of such corporation, association, or society, or a majority thereof. The certificate stating such intention and election shall be signed by the President and Secretary of such corporation, association, or society, and shall be acknowledged before some officer competent to take the acknowledgment of deeds. Such certificate shall in other respects conform to the requirements of this Act. Corporations formed or existing under or by virtue of this Act shall not, nor shall the members or stockholders thereof, be subject to the conditions and liabilities of an Act entitled an Act concerning corporations, passed April twenty-second, A. D. eighteen hundred and fifty.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCLXXII.—*An Act supplementary to an Act entitled an Act for the better protection of the Agricultural Interests in certain Counties, and for the more effectual prevention of the Trespassing of Animals upon private property, passed March eleventh, eighteen hundred and sixty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act made applicable.

SECTION 1. All the provisions of an Act entitled an Act for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, shall be extended to and made applicable to all that portion of the County of Sacramento lying north of the American River and east of the Marysville and Sacramento Road.

SEC. 2. So much of section eight of said above Act referring to the above described portion of Sacramento County is hereby repealed.

SEC. 3. This Act shall be in force and take effect from and after the first day of April, eighteen hundred and sixty-four.

CHAP. CCCCLXXIII.—*An Act supplemental to an Act entitled an Act to create the County of Coso, to define its Boundaries, and to provide for its Organization, approved April fourth, eighteen hundred and sixty-four.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Coso attached to First Congressional District.

SECTION 1. The County of Coso is hereby attached to and shall form a part of the First Congressional District.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXXIV.—*An Act to appropriate Money for the Relief of General John A. Sutter and his Heirs.*

[Approved April 4, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for the relief of General John A. Sutter.

SEC. 2. The said amount of fifteen thousand dollars shall be payable in monthly instalments of two hundred and fifty dollars each, during the term of five years, and such instalments or warrants shall not be assignable; *provided*, that in case of death of said Sutter before the expiration of said five years, the balance of the fund not drawn shall be payable to his heirs. How paid

SEC. 3. The Controller of State is hereby directed to draw his warrants for the above amount, in sums of two hundred and fifty dollars each, in favor of John A. Sutter; and the Treasurer of State is hereby directed to pay the same.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXV.—*An Act to authorize the Board of Supervisors of Butte County to loan certain Money.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Butte County shall be and hereby are authorized and required to loan to the Oroville and Woodville Turnpike Company any money now in the Railroad Interest Fund of said county; *provided*, that said loan shall not exceed in amount the sum of eight thousand dollars. Loan authorized

SEC. 2. As soon as practicable after the passage of this Act, the Chairman of the Board of Supervisors of said county shall call a meeting of said Board, and upon satisfactory proof being presented to said Board that said company has been organized according to law, and two thirds of the capital stock of said company has been subscribed, and ten per cent therof has been paid in, and that said company has made a location of said road, the said Board shall enter upon their record an order to loan to said Oroville and Woodville Turnpike Company the sum of eight thousand dollars out of the money in said Railroad Interest Fund as aforesaid, and shall cause said money to be paid to said company or its authorized Agent in the manner hereinafter specified, to wit: Whenever the President of said company shall present to the Chairman of the Board of Supervisors satisfactory proof, verified by the affidavit of said President or the Managing Agent of said company, that an amount not less than one thousand dollars has been expended in actual labor in the construction of their road, or in procuring material therefor, exclusive of the salaries of officers of said company, the said Chairman shall certify the amount so expended to the Auditor of the county, whose duty it shall be thereupon to draw his warrant upon the Treasurer of said county for an amount equivalent to that so certified to him; and it shall be the duty of said Treasurer, upon presentation of said warrant, to pay the same out of the said Railroad Interest Fund, and so on, from time to time, until said eight thousand dollars shall have been paid over to said company; *provided*, that in no case shall said Chairman certify to the Auditor any expenditure that may

have been included in a previous certificate, and before giving a certificate may require the President of said company to make oath that the expenditures stated do not include any expenditure previously certified.

SEC. 3. Said loan shall be made for a period of time not less than one nor more than two years, as may be deemed best for the interests of the county by the Board of Supervisors, from the time of the payment of each instalment; and said loan shall bear interest at the rate of ten per cent per annum from the payment of each instalment thereof until paid, and which said interest shall be payable, semi-annually, to the Treasurer of Butte County, who shall place the same to the credit of the Railroad Interest Fund, and shall give his receipt therefor to said company.

Time of.

SEC. 4. At the time of the payment of any instalment of said loan, the Treasurer shall require and the officer of the company receiving the same shall give a receipt therefor to said Treasurer, who shall file the same in his office.

SEC. 5. From and after the payment of the first instalment of said loan to said company, said loan shall operate as a mortgage upon the road, franchises, revenue, and properties of said company, and shall be holden by said county as security for the payment of said loan and interest.

Mortgage.

SEC. 6. It shall not be lawful for the said company, or the Trustees or the Directors of said company, or any officer thereof, to suffer or create any mortgage or lien upon the road, its franchises, revenues, or the properties of the company, that may have priority of effect to the lien of the county, nor shall they make or execute any mortgage or lien of any kind whereby said road, franchises, revenues, or properties, may be charged, unless said instrument is held and expressed upon the face of the same that it is subject and subsequent to the lien of the county created by section four of this Act. Any Trustee, Director, officer, or Agent of said company violating the provisions of this section shall be held to be personally liable for the full amount the said company may owe to said county; and, further, *provided*, that each stockholder of said road corporation shall be personally liable to the County of Butte for his pro rata of the liability created by this Act in favor of said county, in conformity with the provisions of the general corporation laws.

County lien to have priority.

SEC. 7. It shall be the duty of the County Treasurer to open an account with said company, and shall charge it with all money drawn under the operation of this Act, and the interest, as the same may accrue, and shall specify the date and amount of each instalment, as the same may be paid, and shall credit said company with all money paid in from time to time on account of said loan and interest; and when the full amount of said loan and interest shall have been so paid in, the Treasurer shall certify such fact to the Board of Supervisors, who, thereupon, shall cause to be entered upon their record an order discharging said road, franchises, revenues, and properties of said company from the operation of the mortgage created by this Act, and shall cause to be delivered to said company a written discharge of all obligations from the same, signed by the Chair-

Treasurer to open an account with company.

man of the Board, and attested by their Clerk, under seal of the county.

SEC. 8. It shall not be lawful for said company to pay out any money so loaned by the county for the salary of any officer of the company, or for any other purpose than may be necessary for the actual construction of said road, or for procuring material therefor; and the Board of Supervisors, or the Chairman of said Board, shall at all times have access to the books of the company, and may examine, under oath, any officer or employé of said company who may be charged with the management or disbursement of said loan in regard to its disposition; and upon proof of perversion of said loan, or any portion thereof, to any purposes not allowed by this Act, the Chairman of said Board of Supervisors shall refuse to certify any further expenditure, and shall notify the Treasurer not to pay any further instalments of said loan, and the said company shall forfeit all further benefits of said Act. Application of loan.

SEC. 9. The Board of Supervisors shall reserve in said Railroad Interest Fund sufficient money to pay the interest on outstanding bonds due the first of July, eighteen hundred and sixty-four; and shall pay said loan out of money in said Interest Fund that may be surplus of said July interest, or that may come into said Fund previous to January first, eighteen hundred and sixty-five. Payment of interest.

SEC. 10. All money paid into the Treasury on account of this loan shall be placed to the credit of the Railroad Interest Fund.

SEC. 11. An Act to authorize the Board of Supervisors of Butte County to loan certain money, approved April twenty-first, eighteen hundred and sixty-three, is hereby repealed. Act repealed

SEC. 12. This Act shall take effect from and after its passage.

WM. H. SEARS,
Speaker of the Assembly.
T. N. MACHIN,
President of the Senate.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this fourteenth day of April, A. D. eighteen hundred and sixty-four.

SEAL.

Witness my hand and the Great Seal of the State, this fourth day of April, eighteen hundred and sixty-four, at office in Sacramento, California.

B. B. REDDING,
Secretary of State.

CHAP. CCCCLXXVI.—*An Act to grant the right to construct a Turnpike Road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. C. B. Hopkins, Wm. Wells, H. W. Griffin, S. C. Peck, I. S. Beaver, D. C. Lamphere, A. M. Harris, N. G. Saw- Franchise.

yer, and A. H. Hoerchner, or a majority of them, or their assigns, together with such associates as they may admit, shall have and enjoy all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates or assigns shall incorporate themselves under the general laws of the State regulating corporations and providing for the incorporation of plank and turnpike roads, and shall adopt the name of the Campo Seco and Mokelumne Hill Turnpike Road Company, and shall abide by and fulfil the further conditions hereinafter mentioned.

Right of way —conditions

SEC. 2. The said company shall have full power to build and maintain a public turnpike road leading from Campo Seco, through Mokelumne Hill, to the Big Tree Road, in the County of Calaveras, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, which is hereby ceded and granted to said company, for the term of twenty years; and the State enters into these covenants and makes these grants, and guarantees these rights and privileges, upon express conditions that said turnpike road shall commence at Campo Seco, running thence along the highway now in use (or as near thereto as practicable) leading from Campo Seco to near Spring Ranch, running thence through or near Haskin's Ranch to the Golden Gate Ranch, running thence along the highway now in use, through Mokelumne Hill, to Rich Gulch Flat, running thence along the highway now in use, or otherwise, as said company shall elect, to the Big Tree Turnpike Road near the Big Meadows; and that within one year from the passage of this Act the said company shall commence and within three years shall complete the said turnpike road.

Act for formation of corporations made applicable.

SEC. 3. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, and the Acts amendatory thereof and supplementary thereto, are hereby extended and made applicable to said Campo Seco and Mokelumne Hill Turnpike Road Company when not in conflict with the provisions of this Act; *provided*, that said company shall not be prohibited from erecting gates, charging and collecting toll on that portion of said turnpike road running along the highway.

Grade of road.

SEC. 4. The grades on said road shall be constructed with convenient places for turning out and passing of the heaviest teams, and shall be kept open and in good repair from Campo Seco as far up as West Point during all seasons of the year, and from said point to said Big Tree Road during at least six months in each year.

Tolls.

SEC. 5. The said company, upon the completion of ten miles of said turnpike road, commencing at Campo Seco, shall be authorized to charge and collect such rates of fare or tolls as the Board of Supervisors of Calaveras County may establish; and upon the completion of every ten miles thereafter, said company shall be authorized to charge and collect such rates of toll as the Board of Supervisors of said county shall fix and establish; and upon the completion of said road, the company shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors shall fix annually.

SEC. 6. Said company shall keep, in some conspicuous place at each end of the road, a sign board, which shall show the rates of toll and the regulations of the road. Bulletin board.

SEC. 7. Nothing in this Act shall be so construed as to deprive M. G. Sawyer of any rights which he may have acquired from the Board of Supervisors of said County of Calaveras for the collection of tolls from those crossing the bridge spanning the South Fork of the Mokelumne River, between Mosquito Gulch and Sandy Gulch. Act construed.

SEC. 8. This Act shall take effect from and after its passage.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this second day of April, A. D. eighteen hundred and sixty-four.

R. BURNELL,
President pro tem of the Senate.

WM. H. SEARS,
Speaker of the Assembly.

RESOLUTIONS.

CONCURRENT AND JOINT RESOLUTIONS.

ASSEMBLY RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

[Adopted December 8, 1863.]

Resolved, By the Assembly, the Senate concurring, that a committee of three be appointed from each House, to wait upon the Governor and inform his Excellency that we are organized and ready to receive communications from him. Organization of the Legislature.

No. II.—*Concurrent Resolution.*

[Adopted December 12, 1863.]

WHEREAS, By an Act of Congress, approved July second, eighteen hundred and sixty two, entitled an Act donating Public Lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts, it is provided that there shall be granted to the several States not in rebellion an amount of Public Land equal to thirty thousand acres for each Senator and Representative in Congress, which lands, if accepted by any State, to be converted into safe stocks, to constitute a perpetual Fund for the endowment of a College or Colleges for the benefit of agriculture or mechanic arts; and, whereas, it is provided, further, that no State shall be entitled to the benefits of said lands "unless it shall express its acceptance thereof within two years" from the passage of said Act of Congress; and some action being necessary whereby this State may receive the one hundred and fifty thousand acres of Public Lands to which it is entitled; therefore, Preamble.

Committee appointed to secure benefits of Act of Congress.

Resolved, By the Assembly, the Senate concurring, that a committee of three be appointed by each House to ascertain what action may be necessary to secure the benefits of said Act of Congress, and to report by bill, or otherwise, at as early a day as practicable.

No. III.—*Concurrent Resolution.*

[Adopted December 15, 1863.]

Stanford's official acts indorsed.

Resolved, By the Assembly, the Senate concurring, that the thanks of the people are merited, and are hereby tendered to Leland Stanford, for the able, upright, and faithful manner in which he has discharged the duties of the office of Governor of the State of California for the past two years.

No. IV.—*Concurrent Resolution.*

[Adopted December 15, 1863.]

Distribution of printed documents.

Resolved, By the Assembly, the Senate concurring, that hereafter when bills or resolutions are ordered to be printed by the Assembly or Senate, members of each branch of the Legislature shall be served with a copy, and the Sergeant-at-Arms of the Assembly and the Sergeant-at-Arms of the Senate are hereby authorized and directed to furnish the Governor of the State and Reporters of the Press with copies of all bills printed for the use of their respective Houses.

No. V.—*Concurrent Resolution.*

[Adopted December 22, 1863.]

Holiday adjournment.

Resolved, By the Assembly, the Senate concurring, that when we adjourn on Wednesday, the twenty-third instant, we adjourn to meet on January fifth, one thousand eight hundred and sixty-four.

No. VI.—*Concurrent Resolution.*

[Adopted January 7, 1864.]

Resolved, By the Assembly, the Senate concurring, that the State Printer be authorized and directed to furnish the Trustees

of the Insane Asylum one thousand copies of their annual report, and the two Houses two thousand copies pro rata, instead of nine hundred copies, as authorized by the joint report of the Senate and Assembly Committees on Printing.

Printing report of Insane Asylum.

No. VII.—*Concurrent Resolution.*

[Adopted January 9, 1864.]

WHEREAS, The Post Office Department have invited proposals for carrying the United States mails (overland) from Atchison, in Kansas, to Folsom, in California, in twenty days in summer and twenty-five days in winter; and, Preamble.

WHEREAS, It is believed that said mails can be conveyed in sixteen days in summer and twenty days in winter; therefore, be it

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed and our Representatives in Congress requested to use their exertions to have said schedule of time so reduced that the mails shall be conveyed from Atchison to Folsom in the shortest possible time, and, if practicable, to procure from Congress such legislation as will obtain the object expressed by this preamble and resolution; and the Governor is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives at Washington.

Schedule of time of Overland Mail.

No. VIII.—*Concurrent Resolution.*

[Adopted January 13, 1864.]

Resolved, By the Assembly, the Senate concurring, that the State Printer be instructed to print nine hundred and sixty copies of the Governor's Message, (delivered January eleventh, eighteen hundred and sixty-four,) to be distributed pro rata among the members of the Senate and Assembly.

Printing of Governer's message on State finances.

No. IX.—*Concurrent Resolution.*

[Adopted January 22, 1864.]

Resolved, By the Assembly, the Senate concurring, that John W. Bost, County Clerk of Merced, be and is hereby granted a leave of absence from this State for the period of four months at any time during the year eighteen hundred and sixty-four;

Leave of absence.

provided, the said John W. Bost leave a good and competent Deputy in his office for the transaction of business.

No. X.—*Concurrent Resolution.*

[Adopted January 21, 1864.]

Leave of absence.

Resolved, By the Assembly, the Senate concurring, that H. E. Hall, County Clerk of San Joaquin County, is hereby granted leave of absence from this State for the period of four months, at such time as he may select during his term of office, which commences on the first Monday of March, A. D. one thousand eight hundred and sixty-four; *provided*, that the said Clerk shall leave a competent Deputy to discharge the duties of said office during his absence.

No. XI.—*Concurrent Resolution.*

[Adopted January 25, 1864.]

Printing of General File

Resolved, By the Assembly, the Senate concurring, that the Chief Clerk of the Assembly and the Secretary of the Senate be and are hereby authorized to have the number and titles of the bills on the general file of the Senate and Assembly printed every day, and the Sergeants-at-Arms are required to have the usual number distributed on the desks every morning.

No. XII.—*Concurrent Resolution.*

[Adopted February 6, 1864.]

Preamble.

WHEREAS, a devastating and relentless Indian war has been and still is being waged in certain counties in the northern portion of this State, the extent of which has never been fully known to the people in other portions of the State, nor properly considered by those whose duty it was to afford us protection at a time when a small force, judiciously managed, could have so disposed of those Indians as to have effectually prevented the present lamentable condition of the Counties of Humboldt, Klamath, and Trinity; and, whereas, in the counties above named there are no less than fifteen hundred Indian warriors, many of whom are well armed with rifles, shotguns, and revolvers, and as they are almost daily adding to their stock of arms and ammunition, by murdering defenceless miners, farmers, and traders, and are successfully encouraging a general uprising of Indians which the whites had

hoped would remain quiet for the present, and as the people of the entire Counties of Humboldt, Klamath, and Trinity are to a great extent at the mercy of the savages, the military force at present in that district being entirely inadequate for the protection of the citizens, and owing to the peculiar natural advantages which the Indians in that district possess over the whites, in the adaptation of that mountainous region for the prosecution of their cowardly mode of warfare, it becomes necessary to operate against them in the winter season; and as they have already destroyed about one eighth of the taxable property of Humboldt County, and entirely depopulated large portions of Trinity and Klamath Counties, having murdered no less than seventy-five valuable citizens, and in some cases women and children in so doing; and, whereas, it is well known that the Indians are preparing for a war of extermination and extended operations in the spring, which they will be able to carry on to a frightful extent if they are not checked immediately; therefore,

Troops required for suppression of Indian hostilities.

Resolved, By the Assembly, the Senate concurring, that his Excellency the Governor be requested to use his best endeavors to have a sufficient number of troops sent to the scene of hostilities immediately as will give security to what few lives and little property that may be left, and if possible avert a more extended field of blood and rapine, which the savages are preparing for, and prevent, if possible, other counties, which are now considered out of danger, from being overrun by hostile savages.

And, be it further Resolved, That if the military commander of this division cannot furnish the requisite number of troops to restore this valuable portion of our State to the peaceable possession of the whites, and throw a proper safeguard around them for the future, then his Excellency is hereby requested to lay our grievances before the Secretary of War, through our Representatives in Congress, to the end that our now deplorable and imminently dangerous future may be properly cared for.

No. XIII.—*Concurrent Resolution.*

[Adopted February 5, 1864.]

Error corrected.

Resolved, By the Assembly, the Senate concurring, that the Enrolling Clerk of the Assembly be and he is hereby authorized to correct an error in Assembly Bill Number One Hundred and Ninety-Two, as follows: In section two, third and fourth lines, of the engrossed bill, strike out the words "State of California," and insert "County of Santa Clara," which error escaped the observation of the author of the bill, as well as the Committee on Engrossment.

No. XIV.—*Concurrent Resolution.*

[Adopted February 5, 1864.]

Governor to be furnished with printed bills, etc.

Resolved, By the Assembly, the Senate concurring, that the Sergeant-at-Arms of both Houses be and are hereby required to furnish the Governor with all printed bills and the General File of both Houses each day.

No. XV.—*Concurrent Resolution.*

[Adopted January 20, 1864.]

California's renewed declaration of loyalty.

Resolved, By the Assembly, the Senate concurring: 1. That the people of the State of California are uncompromisingly loyal, and that we repudiate the political heresy of State supremacy when brought in conflict with Federal authority, holding that each has its proper sphere—but that in all National affairs the Constitution, and the laws of the United States made in pursuance thereof, are the supreme law of the land, and which no State, either by legislation, judicial decision, or otherwise, can disobey, controvert, or evade, without violating this great fundamental principle of our Government, for the maintenance of which the people of this State are prepared to die rather than surrender.

2. That the rebellion is a war of the Southern slave-owning aristocracy against the democracy of the Nation, and is a blow struck against all free government.

3. That we indorse all the measures of the Administration adopted for the purpose of subduing the present most wicked rebellion; and,

First—We indorse the abolition of slavery in the District of Columbia.

Second—We indorse the Act making free from slavery all territory belonging to the United States.

Third—We indorse the Confiscation Act.

Fourth—We indorse the Conscription Law.

Fifth—We indorse the suspension of the writ of habeas corpus.

Sixth—We indorse the enlistment of negro soldiers to fight in our National armies.

Seventh—We indorse the noble stand taken by President Lincoln, that all who wear the uniform of the Union shall receive the same protection.

Eighth—We indorse the financial policy of the Government, and the Legal Tender Law, as *the* great administrative measures for successfully carrying on the war against the rebellion, and which we pledge ourselves to defend and uphold.

Ninth—We indorse the policy of establishing Military Governments in the revolted States, as necessary to enable the President to see that the laws therein are faithfully executed.

Tenth—We indorse the Act admitting Western Virginia into the Union.

California's renewed declaration of loyalty.

4. That we indorse the Proclamation by the President of the United States, of January first, eighteen hundred and sixty-three, declaring the slaves in all the territory which it covers forever free; and we hold that its operation is not contingent upon the occupation of any territory by the National arms, but that it is self-acting, and gives to each slave a full and complete legal title of freedom, and we will never consent that they shall, for any purpose or for any end, be returned to their former condition of bondage; but we pledge ourselves to stand by and support President Lincoln in his noble determination to maintain the plighted faith of the Nation inviolate, as expressed in his last message, when he says:

"I shall not attempt to retract or modify the Emancipation Proclamation, nor shall I return to slavery any person who is free by the terms of the Proclamation, or by any Act of Congress."

5. That we indorse the plan of reconstruction as set forth in the Proclamation of the President, and appended to his last message:

First—Because it establishes in the rebellious States now under the National flag, or that may come under it, a rallying point for the organization of all loyal men.

Second—Because it guards and protects the emancipated slave against the possibility of re-enslavement.

Third—Because it will enable the United States to practically guarantee to every State to which it applies a republican form of government, and to protect each of them against invasion.

Fourth—Because it points out a mode by which the deluded masses of the rebellious States may return to their allegiance, with the restoration of all their rights, while it reserves the right to punish the guilty instigators and leaders of the rebellion for the great crime they have committed.

Fifth—Because it provides for the support and protection of the freed men of the rebellious territory as a condition precedent for pardon and the restoration of forfeited rights.

Sixth—Because it presents a mode by which the National authority over every loyal State government may be established, and the State thus returned to its place in the Union. And,

Seventh—Because it precludes the possibility of any peace which shall acknowledge the existence or establishment of slavery in any part of the rebellious Territories covered by the Emancipation Proclamation.

6. That the proposition of the Copperhead members of Congress, to send Commissioners to Richmond to sue for peace from armed traitors, should consign their names to eternal infamy, and he who would treat with armed treason is himself a traitor, and deserves a traitor's punishment; California will accept no peace which is not based upon an unconditional surrender.

7. That we indorse their construction of the Confiscation Law which has for its object the unconditional forfeiture of the prop-

erty of the rebels; and our Senators are hereby instructed and our Representatives in Congress requested to urge its adoption.

8. That we tender to our gallant Army and Navy, officers and men, the heartfelt thanks of the loyal people of the loyal State of California for their glorious achievements, for the renown which they have given to the American name; and we guarantee to them that while they are fighting our battles, traitors at home shall not be permitted to deprive them of the least of their civil rights.

9. That the President's proclamation of pardon, as appended to his message, is limited to the people of the rebellious States, as therein specified, and has no application either to prisoners of war, or to persons who have been tried, convicted, and sentenced, by the Courts of the country.

10. That the barbarous treatment of Union prisoners by the rebels is without a parallel in the annals of civilization, and should bring down upon them the execrations of the whole civilized world, and we hail with delight the recent action of the Government in placing the whole phalanx of rebel prisoners under the jurisdiction of General Butler, that great rebel-tamer, and we earnestly invoke such a system of retaliation as will force the barbarism of slavery to yield to the humane rules of civilized warfare.

President Lincoln indorsed, and his re-election favored

11. That in Abraham Lincoln, President of the United States, we recognize purity of life, singleness of purpose, the far-seeing, conscientious statesman, the uncompromising, unsullied patriot, the aim of whose life is the preservation of the Union, and the restoration of peace upon the immutable and eternal foundations of freedom, and freedom only; that to his wisdom, sleepless watchfulness, unselfish patriotism, prompt action, and determined will to pursue the right and abandon the wrong, the people of these United States are indebted for the proud position which they this day occupy on the great map of nations; that when we consider the fiery ordeal through which this man of the people has passed unscathed and untainted, it is not strange that public confidence in him should remain unshaken; and that while we revere and honor other noble patriots who have performed so well their several parts in this great drama, the people still look to Abraham Lincoln as the instrument selected by Providence to lead their country in safety through all its perils, and restore it again to a peace in which no element of discord shall be found, and that we do most heartily favor his re-election.

12. *Resolved*, That his Excellency, the Governor, be requested to transmit copies of these resolutions to the President of the United States, and to each of our Senators and Representatives in Congress.

No. XVI.—*Concurrent Resolution.*

[Adopted February 19, 1864.]

Resolved, By the Assembly, the Senate concurring, that when the two Houses adjourn on Saturday, the twentieth instant, they adjourn to meet again on Wednesday, February twenty-fourth. Adjournment.

No. XVII.—*Concurrent Resolution.*

[Adopted February 15, 1864.]

WHEREAS, The General Government of the United States has entirely abandoned Nome Lackee Indian Reservation, situated in the County of Tehama, in this State; and, Preamble.

WHEREAS, The Indians who were on the same have mostly died, and the remainder have scattered through the country; and,

WHEREAS, The said Nome Lackee Indian Reservation is, in its present condition, of no use or benefit to the General Government; therefore,

Be it Resolved, By the Assembly, the Senate concurring, that the land comprising the said Nome Lackee Indian Reservation should be as speedily as possible thrown open to pre-emption and placed back in the Marysville Land District for the interest of agriculture, and that pre-emption claims be allowed settlers on the same. Nome Lackee Reservation.

Resolved, That his Excellency the Governor be requested to forward a copy of these resolutions to the President of the United States, Secretary of the Interior, and to each of our Senators and Members of Congress.

No. XVIII.—*Concurrent Resolution.*

[Adopted February 18, 1864.]

Resolved, By the Assembly, the Senate concurring, that A. J. Baber, Collector and Assessor elect of Placerville Township, in the County of El Dorado, be and he is hereby allowed leave of absence from the State for the period of six months, at such time as he may select during his term of office; *provided*, that said A. J. Baber furnish a competent person to discharge the duties of his office during such absence from the State. Leave of absence.

No. XIX.—*Concurrent Resolution.*

[Adopted March 3, 1864.]

Leave of absence.

Resolved, By the Assembly, the Senate concurring, that L. W. Elliott, District Attorney for the County of Tehama, be and he is hereby allowed and granted leave of absence from this State for the period of four months, at such time as he may select during his present term of office.

No. XX.—*Concurrent Resolution.*

[Adopted March 4, 1864.]

Preamble.

WHEREAS, It has pleased Divine Providence to terminate the earthly career of one of our most eminent citizens, the Rev. T. Starr King, whose very name has been a tower of strength to the great cause of our country, and from whose great ability, learning, and eloquence the people of this State have derived the most enduring benefit; wherefore,

Adjournment on the announcement of the death of T. Starr King.

Resolved, By the Assembly, the Senate concurring, that in honor of the memory of the deceased divine, orator, and patriot, that when we adjourn on Saturday, March fifth, we adjourn to meet on Tuesday, March eighth, and that the flag on the Capitol be displayed at half-mast.

No. XXI.—*Concurrent Resolution.*

[Adopted March 15, 1864.]

Preamble.

WHEREAS, A battery of artillery, assigned to California by the United States Government, was, on the night of March fourteenth, eighteen hundred and sixty-four, destroyed by fire; and whereas, it is currently rumored that such destruction was the result of either culpable carelessness or wanton and wilful determination; therefore, be it

Investigation into the cause of the burning of a battery of artillery.

Resolved, By the Senate, the Assembly concurring, that a Joint Committee, consisting of three members from each House, be appointed, and that said committee be required to inquire into the cause of such loss, and report thereon on Monday, March twenty-first, eighteen hundred and sixty-four; and they are hereby empowered to send for persons and papers, and to administer oaths

No. XXII.—*Concurrent Resolution.*

[Adopted March 16, 1864.]

WHEREAS, There are certain documents that mark important eras in our history as a Nation and as a State; and Preamble.

WHEREAS, In times like these through which we are passing, when our country is struggling for its very existence, such documents have a peculiar significance and a world wide interest; and

WHEREAS, The Declaration of Independence, that gave the Nation birth, the Constitution, that gives it life, and the Proclamation, that will result in freedom to all, cannot be too widely published among the printed archives of our State; therefore, be it

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be and he is hereby authorized and required to prepare and have printed in the volume of laws passed during the present session of the Legislature, the Declaration of Independence, the Constitution of the United States, with the amendments thereto, and the Constitution of the State of California, with the amendments proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, and ratified by the people of the State at the general election held on the first Wednesday of September, A. D. eighteen hundred and sixty-two, and also to prepare and have published the Emancipation Proclamation of President Lincoln, and the Proclamation supplemental thereto. Documents to be printed with the laws.

No. XXIII.—*Concurrent Resolution.*

[Adopted March 18, 1864.]

Resolved, By the Assembly, the Senate concurring, that Thomas H. Rector, County Clerk of Klamath County, is hereby granted leave of absence from this State for the period of six months from the first day of April, one thousand eight hundred and sixty-four; *provided*, that the said Clerk shall leave a competent Deputy to discharge the duties of said office during his absence. Leave of absence.

No. XXIV.—*Concurrent Resolution.*

[Adopted March 19, 1864.]

Resolved, By the Assembly, the Senate concurring, that the Governor be authorized and requested to return to the Chairman of the Enrolling Committee of the House, Assembly Bill

Governor requested to return bill for correction.

Number Two Hundred and Sixteen, for the purpose of making a correction in the enrolment, said bill being an Act supplementary to and amendatory of the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the maintenance and supervision of Common Schools.

No. XXV.—*Concurrent Resolution.*

[Adopted March 31, 1864.]

Preamble.

WHEREAS, Since the year eighteen [hundred] and sixty-one a great immigration has flowed into Arizona and Colorado, and immensely rich deposits of gold, silver, and copper has been discovered by our people in the districts on the headwaters of the Gila River, extending from North to South, and also on the Colorado, Chiquito, San Juan, Grande, and Green Rivers, on the Mexican frontier of Arizona; and,

WHEREAS, The intimate connection of these newly developed and developing regions with the social and commercial interests of California renders it of the utmost importance that mail communication with them should be speedily established; therefore,

Establishment of mail routes.

Be it Resolved, By the Assembly, the Senate concurring, that the Postmaster-General be requested to cause to be established mail communications on the following route: From the City of Los Angeles, in the State of California, via San Bernardino, thence taking the Bradshaw route direct to La Paz, from thence to Walker's Diggings, in Arizona Territory, from thence, by the nearest and most practicable route, to Santa Fe, in New Mexico.

Resolved, *further*, that his Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolution to the Postmaster-General.

No. XXVI.—*Concurrent Resolution.*

[Adopted April 2, 1864.]

Allowance to Bowman and Marsh.

Resolved, By the Assembly, the Senate concurring, that Amos Bowman and A. J. Marsh be and are hereby allowed fifty dollars, each, to be paid one half out of the Contingent Fund of the Assembly and one half out of the Contingent Fund of the Senate, and the Controller be required to draw his warrant for that amount.

No. XXVII.—*Concurrent Resolution.*

[Adopted April 1, 1864.]

Joint Convention to elect Reform School Trustees.

Resolved, By the Assembly, the Senate concurring, that the two Houses meet in Joint Convention on Saturday, April second, eighteen hundred and sixty-four, at twelve o'clock, noon, for the purpose of electing three Trustees for the State Reform School at Marysville.

No. XXVIII.—*Concurrent Resolution.*

[Adopted April 1, 1864.]

Reward recommended for incendiaries.

Resolved, By the Assembly, the Senate concurring, that his Excellency the Governor be and he is hereby respectfully requested to offer a suitable reward for such information as will lead to the conviction of the party or parties guilty of setting fire to the building at the corner of L and Thirteenth streets, in the City of Sacramento, on the night of the fourteenth day of March, A. D. eighteen hundred and sixty-four.

No. XXIX.—*Concurrent Resolution.*

[Adopted April 1, 1864.]

Enacting clause in bill

Resolved, By the Assembly, the Senate concurring, that the Enrolling Clerk be instructed to insert the enacting clause in Assembly Bill Number Four Hundred and Sixty-Six, an Act amendatory of and supplemental to an Act entitled an Act to regulate the estates of deceased persons, passed May sixth, eighteen hundred and fifty.

No. XXX.—*Concurrent Resolution.*

[Adopted April 1, 1864.]

Pay of soldiers.

Resolved, By the Assembly, the Senate concurring, that our Representatives in Congress be requested to use their influence in procuring the passage of a law giving to the officers and soldiers of the regular army stationed on the Pacific coast an increase of their pay, amounting to thirty per cent on the amount now allowed by law.

2. That his Excellency the Governor be requested to forward to each of our Representatives a copy of these resolutions.

SENATE RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

Preamble.

[Adopted December 11, 1863.]

WHEREAS, It has pleased Almighty God to call from our midst, since our last session, the Hon. W. H. Weeks, Secretary of State; therefore, be it

Resolution of respect to memory of W. H. Weeks

Resolved, That in the late W. H. Weeks we recognize one of liberty's most eloquent and earnest champions and our country's able defenders; that in his official capacity he ably discharged his duties to the State, and that he is worthy of enduring recollection.

Resolved, That in respect for his memory, the Senate do now adjourn.

Resolved, That a copy of these resolutions be enrolled and transmitted to the relatives of the deceased.

No. II.—*Concurrent Resolution.*

Preamble.

[Adopted December 23, 1863.]

WHEREAS, There having been a company organized in this State, and another in Oregon, both having for their object the construction of a railroad from Marysville, California, to Portland, Oregon, and said companies having jointly completed a survey, which demonstrates the practicability of such a line of railroad, and believing that such a road, linking itself to the great Pacific Railway, is necessary for the more rapid development of the resources of this coast, and as a means for the prompt defence of our interior, by the rapid concentration of troops and military supplies, in case of foreign war or domestic insurrection; therefore, be it

National assistance invoked in favor of California and Oregon Railroad.

Resolved, By the Senate of California, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the early passage of a law granting National assistance, in right of way, grant of land, and bonds, to the companies about to undertake the construction of said California and Oregon Railroad, in the same manner as aid has heretofore been extended to the Central Pacific Railroad Company.

No. III.—*Concurrent Resolution.*

[Adopted January 5, 1864.]

Resolved, By the Senate, the Assembly concurring, that the sum of ninety-five dollars ($95) is hereby allowed F. S. Malone for the use of carriages during the inauguration, half to be paid out of the Contingent Fund of the Senate, and half out of the Contingent Fund of the Assembly.

Money allowed F. S. Malone.

No. IV.—*Concurrent Resolution.*

[Adopted January 9, 1864.]

WHEREAS, It has been customary for the Controller of State to draw his warrants for the per diem of officers, members, and attachés of the Senate and Assembly on the last day of each week; and

Preamble.

WHEREAS, The law as it now reads requires such warrants to be drawn on the General Fund; therefore,

Resolved, By the Senate, the Assembly concurring, that the Controller of State be and is hereby directed not to draw his warrants for per diem of officrs, members, and attachés of the Senate and Assembly for the period from December twentieth, eighteen hundred and sixty-three, to January ninth, eighteen hundred and sixty-four, on the last day of the week, ending January ninth, eighteen hundred and sixty-four.

Drawing certain warrants for Members and attachés

No. V.—*Concurrent Resolution.*

[Adopted January 9, 1864.]

Resolved, By the Senate, the Assembly concurring herein, that a Select Committee of three be appointed by the Senate, to act in conjunction with such committee as may be appointed or authorized by the Assembly to act herein, whose duty it shall be and who are hereby authorized and instructed to make due and diligent inquiry into the management and conduct of the affairs of the Deaf, Dumb, and Blind Asylum, to investigate all complaints or charges that may be brought against the Trustees, Managers, Principal, and other Teachers, employés, attachés, and servants of said institution; to examine into the system of teaching, the mode of receiving and discharging pupils, and of their treatment while inmates therein; to inquire into the method of keeping the accounts, of receipts and disbursements, the resources, if any, outside of the State donations, whence derived, and the purposes for which disbursed; to examine into the title

Inquiries into the affairs of the Deaf, Dumb, and Blind Asylum.

of the lands on which the buildings are erected, with all other matters and things necessary for a full understanding of the affairs and management of said institution; and that such committee have power to send for persons and papers, and to visit said institution in the prosecution of their inquiries; and that such committee report such recommendations as they may deem proper.

No. VI.—*Concurrent Resolution.*

[Adopted January 12, 1864.]

Additional copies of the Controller's report.

Resolved, By the Senate, the Assembly concurring, that the State Printer be and is hereby directed to publish (960) nine hundred and sixty additional copies of Controller's Reports, for the use of the Legislature.

No. VII.—*Concurrent Resolution.*

[Adopted January 26, 1864.]

Clerk for Joint Committee.

Resolved, By the Senate, the Assembly concurring, that the Joint Committee upon affairs of Deaf, Dumb, and Blind Asylum be authorized to employ a Sergeant-at-Arms and one Clerk, such appointments to date from the eighteenth January, eighteen hundred and sixty-four.

No. VIII.—*Concurrent Resolution.*

[Adopted January 28, 1864.]

Exportation of blasting powder.

Resolved, By the Senate, the Assembly concurring, that our Senators and Representatives in Congress be requested to obtain a relaxation and modification of the order of the President of the United States, of November, eighteen hundred and sixty-two, which prohibits the export of ammunition and munitions of war, so that [it] shall not apply to the article of blasting powder from the Port of San Francisco, to be shipped and used exclusively for mining purposes.

Resolved, That the Governor be requested to forward a copy of these resolutions to our Senators and Representatives at Washington by mail and telegraph.

No. IX.—*Concurrent Resolution.*

[Adopted February 9, 1864.]

Resolutions of censure.

Resolved, By the Senate, the Assembly concurring, that from the first mutterings of the rebellion against our Government the State of California has been uncompromisingly loyal; That while in its inception opinion was somewhat unformed, yet even then, the demand that every power of the Government should be exercised in the contest, with a large majority of our people, was strong and unhesitating.

Resolved, That this original wish and the opinions underlying it has been constantly developing and augmenting, and so universal was and has been its expression that no intelligent man can have been ignorant of it.

Resolved, That the Hon. James A. McDougall, when he solicited an election to the Senate of the United States from California, well understood the opinions of its people, and that from abundant sources of information he must have been always well informed of the progress thereof, and that in his spoken and written pledges, some of which were the absolute conditions of his election, he pledged fealty to the present administration and to the sentiment which elected him.

Resolved, That said James A. McDougall has violated the letter and spirit [of] the whole scope and substance of his pledges, and stands in the position of one who has obtained high place by promises false in their making or wilfully violated without justification or excuse.

Resolved, That the political associations and political and personal conduct of the said James A. McDougall is a wilful misrepresentation of the wishes, the opinions, and habits of the people of California, that in all respects we repudiate him, and we call upon all loyal men, in and out of office, to exonerate the people of California from imputations which the conduct of the senior Senator from California is so well calculated to invite.

Resolved, That the Governor of this State forward these resolutions, by copies, one to the Honorable J. A. McDougall, one to the President of the United States.

No. X.—*Concurrent Resolution.*

[Adopted March 4, 1864.]

Accounts allowed.

Resolved, By the Senate, the Assembly concurring, that the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly are hereby instructed to pay the following accounts equally out of the Contingent Funds of the Senate and Assembly, viz: To B. S. Blitz, sundries, twenty nine dollars and fifty cents; C. V. Gillespie, abstract of title, fifty dollars; Alstrom and Johnson, room rent and sundries, forty-seven dollars and fifty cents; E. W. Roberts, sundries, eleven dollars and thirty-seven

cents; George A. Hill, services as Clerk thirty days, one hundred and fifty dollars; B. S. Blitz, services as Sergeant-at-Arms and mileage, one hundred and thirty-one dollars and sixty cents.

No. XI.—*Concurrent Resolution.*

[Adopted February 25, 1864.]

Preamble.

WHEREAS, The duly authorized Agents of the State of California, appointed under an Act of the Legislature thereof, to segregate and separate the Swamp and Overflowed Lands donated to the State by Act of Congress, approved September twenty-eighth, eighteen hundred and fifty, from the high land of the Government, did at various dates segregate and designate such lands in many counties, furnishing affidavits obtained with much care and at great expense, of the character of such land at the date of the grant; and

WHEREAS, The citizens of this State, acting upon various Acts of the Legislature of said State providing for the sale of said lands, did purchase of said State portions of lands embraced in such segregation, obtained title or promise of title therefor, have reclaimed by levees, drains, and stopping sloughs, many of the tracts so purchased, partially obliterating the evidence of the original character of the land in eighteen hundred and fifty, the date of the grant, depending upon the pledged faith and honor of the State to procure them good and sufficient title to the lands so purchased; and

WHEREAS, The United States Deputy Surveyors have, subsequent to such purchase and reclamation, made subdivisional surveys of many townships embracing lands so purchased, and having no evidence of the character of the land at the date of the grant, having in many instances returned in their plats and field notes as high land many tracts so purchased of the State and reclaimed by its citizens and purchasers; and

WHEREAS, The honorable Commissioner of the General Land Office has decided that the forms required by his office have not been strictly complied with by the Agents of the State in obtaining testimony to determine the character of the land, thereby placing the lands once purchased of the State again open to entry and pre-emption, creating alarm among such purchasers, and ill-feeling and strife among neighbors:

Relating to sale of Swamp and Overflowed Lands by the State.

Resolved, That our Senators and Representatives in Congress are hereby requested to procure the passage of a law granting to the State all lands which the State has sold as being Swamp and Overflowed; and if it shall appear, upon investigation and decision, that the State has sold lands which she is not entitled to by the Act of September twenty-eighth, eighteen hundred and fifty, then she shall pay into the Sub-Treasury at San Francisco the sum of one dollar and twenty-five cents per acre for all lands thus improperly sold.

Resolved, That our Senators and Representatives in Congress are hereby requested to procure the passage of a law that in all cases where the State of California has, through its constituted authorities, sold or disposed of any Swamp and Overflowed Lands to any person or persons prior to the entry, sale, or location of the same under the pre-emption or other laws of the United States, no patent shall be issued by the President for said lands until the State, through its constituted authorities, shall release its claim thereto; *provided*, that if the State shall not, within one year after the passage of this Act, and within one year after any future surveys may be made by the United States Deputy Surveyor, furnish to the General Land Office of the United States evidence that said lands were Swamp and Overflowed at the date of said grant, then patents may immediately thereafter issue to the purchasers from the General Government.

Resolved, That the Register of the State Land Office be instructed to forward a copy of these resolutions to our delegation in Congress, with a request that the importance of action in the matter may be urged upon the President.

No. XII.—*Concurrent Resolution.*

[Adopted March 31, 1864.]

Certain benefits of an Act of Congress accepted.

Resolved, By the Senate, the Assembly concurring, that the State of California doth hereby accept the benefits of the Act entitled an Act donating Public Lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts, passed July second, Anno Domini eighteen hundred and sixty-two.

No. XIII.—*Concurrent Resolution.*

[Adopted April 2, 1864.]

Adjournment sine die

Resolved, By the Senate, the Assembly concurring, that this Legislature adjourn *sine die* on the fourth day of April, A. D. eighteen hundred and sixty-four, at twelve o'clock, midnight.

No. XIV.—*Concurrent Resolution.*

[Adopted April 2, 1864.]

Relating to fortification and protection of Monterey.

Resolved, By the Senate, the Assembly concurring, that our Senators be instructed and our Representatives at Washington be requested to use all efforts to procure from the Federal Government the establishment of a naval force to cruise in the Bay of Monterey and vicinity, and to remount guns on the fort at Monterey City, to construct additional fortifications or water line batteries for the protection of the harbor and anchorage of Monterey, and for the establishment of a naval depot at Monterey City.

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ANNUAL REPORT

OF THE

TREASURER OF STATE,

FOR

THE YEAR 1863.

O. M. CLAYES.....STATE PRINTER.

ANNUAL REPORT.

STATE OF CALIFORNIA, TREASURY DEPARTMENT,
Sacramento, November 2d, 1863.

To His Excellency,

LELAND STANFORD,

Governor of California:

SIR:—As State Treasurer, by appointment, for a brief period previous to the time I had expected to enter upon the regular discharge of the duties of the office, and as my predecessor resigned without submitting his annual report—therefore, in order to conform to the law requiring the State Treasurer to deliver a report annually to the Governor on the first Monday of November, I herewith submit, as appears from the books of the office, a full exhibit of all moneys received by the late State Treasurer into and by him paid out of the Treasury, from the fifteenth day of December, eighteen hundred and sixty-two, to the twenty-first day of October, eighteen hundred and sixty-three, inclusive.

[A]

RECEIPTS INTO STATE TREASURY

From December 15, 1862, *to October* 21, 1863, *inclusive.*

Received	Amounts.
From County Treasurer of Alameda	$4,808 23
From County Treasurer of Amador	25,842 65
From County Treasurer of Butte	10,646 72
From County Treasurer of Calaveras	17,687 51
From County Treasurer of Colusa	2,565 21
From County Treasurer of Contra Costa	6,121 09
From County Treasurer of Del Norte	996 12
From County Treasurer of El Dorado	38,017 71
From County Treasurer of Fresno	7,406 01
From County Treasurer of Humboldt	215 92
From County Treasurer of Klamath	3,040 42
From County Treasurer of Lake	1,456 87
From County Treasurer of Los Angeles	11,772 09
From County Treasurer of Marin	13,335 12
From County Treasurer of Mariposa	4,068 16
From County Treasurer of Mendocino	3,618 37
From County Treasurer of Merced	4,339 03
From County Treasurer of Mono	1.885 46
From County Treasurer of Monterey	3.015 25
From County Treasurer of Napa	4.249 24
From County Treasurer of Nevada	16.221 22
From County Treasurer of Placer	22,713 77
From County Treasurer of Plumas	5,883 40
From County Treasurer of Sacramento	11,803 59
From County Treasurer of San Bernardino	1,632 33
From County Treasurer of San Diego	1,926 13
From County Treasurer of San Francisco	405,149 23
From County Treasurer of San Joaquin	30,806 56
From County Treasurer of San Luis Obispo	827 77
From County Treasurer of San Mateo	11,331 58
From County Treasurer of Santa Barbara	4,734 74
From County Treasurer of Santa Clara	6,515 05
From County Treasurer of Santa Cruz	10,767 73
From County Treasurer of Shasta	4,427 21
From County Treasurer of Sierra	7,874 51
From County Treasurer of Siskiyou	14,241 94
From County Treasurer of Solano	21,973 21
From County Treasurer of Sonoma	.....
From County Treasurer of Stanislaus	5,464 24
Carried forward	$749,381 39

Receipts—Continued.

Received.	Amounts.
Brought forward	$749,381 39
From County Treasurer of Sutter	4,364 92
From County Treasurer of Tehama	2,089 79
From County Treasurer of Trinity	3,237 47
From County Treasurer of Tulare	6,655 35
From County Treasurer of Tuolumne	9,843 23
From County Treasurer of Yolo	23,859 80
From County Treasurer of Yuba	11,919 37
From Secretary of State	20,734 07
From State Treasurer, Interest on Bonds	13,160 00
From Superintendent of Immigration	9,084 53
From Stamp Inspectors	492 00
From D. R. Ashley, exchange	24,260 00
From United States, in United States Notes	218,489 29
Received for Stamps	60,577 70
Total	**$1,158,148 91**

[B]

PAYMENTS

From December 15, 1862, *to October* 21, 1863, *inclusive.*

GOVERNOR'S OFFICE.

Salary of Governor	$3,499 99	
Salary of Private Secretary	800 00	
Salary of Clerk	600 00	
Salary of Porter	250 00	
Rent of Office	562 50	
Transportation of books, etc	150 00	
Postage, Expressage, and Telegraph	50 40	
Rewards	500 00	
Contingents	251 39	
Special Contingents	1,833 12	
Total		$8,497 45

SECRETARY OF STATE'S OFFICE.

Salary of Secretary	$2,000 00	
Salary of Clerks	1,500 00	
Salary of Porter	13 88	
Postage, etc	701 92	
Contingents	70 00	
Total		$4,285 80

CONTROLLER'S OFFICE.

Salary of Controller	$2,000 00	
Salary of Deputy Controller	600 00	
Salary of Clerks	1,800 00	
Salary of Porter	69 42	
Postage and Expressage	1,500 00	
Total		$5,969 42

TREASURER'S OFFICE.

Salary of Treasurer	$2,000 00	
Salary of Clerks	1,200 00	
Salary of Watchman	400 00	
Salary of Porter	83 33	
Contingents	13 00	
Total		$3,696 33

PAYMENTS—Continued.

ATTORNEY-GENERAL'S OFFICE.		
Salary of Attorney-General	$2,000 00	
Salary of Porter	62 50	
Rent of Office	400 00	
Expenses of Suits	314 00	
Contingents	92 45	
Disbursements	35 10	
Total		$2,904 05
SURVEYOR-GENERAL'S OFFICE.		
Salary of Surveyor-General	$1,000 00	
Salary of Clerks	600 00	
Rent of Office	620 00	
Contingents	200 44	
Purchase of Maps	250 00	
Total		$2,670 44
ADJUTANT-GENERAL'S OFFICE.		
Salary of Adjutant-General	$1,500 00	
Salary of Clerks	375 00	
Total		$1,875 00
SUPERINTENDENT OF PUBLIC INSTRUCTION.		
Salary of Superintendent	$1,749 98	
Salary of Clerks	1,350 00	
Rent of Office	300 00	
Postage and Expressage	170 98	
Stationery, Fuel, Lights, etc	21 60	
Total		$3,592 56
STATE LIBRARY.		
Salary of Librarian	$1,250 00	
Salary of Porter	200 00	
Rent of Rooms	833 32	
Postage and Expressage	78 75	
Shelving and Furniture	149 58	
Contingents	36 73	
Total		$2,548 38

PAYMENTS—Continued.

SUPREME COURT.		
Salary of Judges	$9,000 00	
Salary of Bailiff	413 00	
Salary of Clerks	600 00	
Salary of Reporter	2,000 00	
Salary of Porter	100 00	
Copies of Reports of Decisions	2,000 00	
Rent of Rooms	1,666 65	
Furniture, etc	4,072 41	
Contingents	48 13	
Total		$19,900 19
DISTRICT COURTS.		
Salary of seventeen Judges	$37,859 66	
Total		$37,859 66
SENATE.		
Per Diem and Mileage of Lieut.-Governor and Senators	$53,208 20	
Pay of Officers and Clerks	16,431 80	
Contingents	21,767 89	
Total		$91,407 89
ASSEMBLY.		
Per Diem and Mileage of Members	$104,222 20	
Pay of Officers and Clerks	18,715 80	
Contingents	25,248 49	
Total		$148,186 49
STATE PRISON.		
Support of State Prison	$47,780 88	
Transportation of Prisoners	6,852 25	
Total		$54,633 13
PRINTING.		
State Printing and Official Advertisements	$25,790 86	
Removing office to San Francisco and back to Sacramento	1,262 85	
Locating Agents, advertising, etc	294 50	

PAYMENTS—Continued.

Printing for the Legislature	$9,980 47	
Translating Laws into Spanish	800 00	
Total		$38,128 68

STAMP ACT.

Salary of Stamp Clerk to Controller	$400 00	
Salary of Stamp Clerk to Secretary of State	200 00	
Salary of Secretary of Board of Stamp Commissioners	50 00	
Salary of Stamp Inspectors	1,642 72	
Printing Stamps	62 00	
Engraving and printing Stamps	151 00	
Total		$2,505 72

STATE HOUSE.

Rent of State House	$4,933 33	
Rent of Merchants' Exchange in San Francisco	4,047 00	
Stationery, fuel, lights, etc., for Legislative and State Officers	5,860 20	
Transportation of books, furniture, etc., for Legislature	3,000 00	
Postage and Expressage for Legislature	3,617 00	
Total		$21,457 53

STATE LAND OFFICE.

Salary of Register	$999 99	
Salary of Clerks	1,400 00	
Removal and repairs	200 00	
Contingents	165 42	
Total		$2,765 41

BOARD OF EXAMINERS.

Salary of Clerks	$200 00	
Salary of Expert to Board	250 00	
Total		$450 00

STATE ARSENAL.

Rent of Arsenal	$620 00	
Cleaning and repairing arms, etc	1,352 88	

PAYMENTS—Continued.

Bullet Moulds	$210 00	
Total		$2,182 88
SCHOOLS.		
Support of Schools	$132,556 65	
State Teachers' Institute	228 00	
State Normal School	446 75	
Total		$133,231 40
INDIAN HOSTILITIES.		
Suppression of, in Humboldt County	$16,222 88	
Suppression of, in Tehama and Shasta Counties	252 68	
Total		$16,475 56
MISCELLANEOUS.		
Purchase of Bonds for School Fund	$40,685 00	
Redemption of Bonds for School Fund	106,518 00	
Swamp Lands, Reclamation of	22,145 84	
Recruiting California Volunteers	21,564 35	
Relief and Deficiency	4,057 41	
Geological Survey	11,499 77	
Eastern Boundary Survey	17,002 55	
Hardy Impeachment	12,430 47	
State Capitol, Construction of	61,477 69	
War Board, Salary of Clerk	100 00	
War Bonds, United States Notes	90,574 59	
State Burial Grounds	500 00	
Mounted Battery, San Francisco	939 63	
Pay of Troops in San Francisco	75 60	
Total		$389,570 90
INTEREST ON BONDS OF 1857.		
Payment of Coupons	$130,462 50	
Total		$130,462 50
INTEREST ON BONDS OF 1860.		
Payment of Coupons	$6,947 50	
Total		$6,947 50

PAYMENTS—Continued.

NATIONAL TAX.		
Paid United States Sub-Treasurer	$183,606 10	
Total		$183,606 10
DONATIONS.		
State Agricultural Society	$10,000 00	
State Reform School	12,582 89	
Deaf, Dumb and Blind	6,479 16	
Board of Managers	1,447 94	
Home of Inebriates, San Francisco	5,000 00	
Protestant Orphan Asylum, San Francisco	5,500 00	
Catholic Orphan Asylum, San Francisco	5,500 00	
Magdalen Asylum	5,000 00	
Orphan Asylum, Marin County	2,000 00	
Orphan Asylum, Los Angeles County	1,000 00	
Relief Society	3,000 00	
Samaritan Society, San Francisco	3,000 00	
Howard Benevolent Society	3,000 00	
Agricultural Society, Contra Costa County	300 00	
Total		$63,809 99
INSANE ASYLUM.		
Support of	$80,214 33	
Salary of Resident Physician	2,500 00	
Salary of Visiting Physicians	1,500 00	
Total		$84,214 33

Of the foregoing payments, amounting to one million five hundred and sixteen thousand seven hundred and eighty-five dollars and seventeen cents, ($1,516,785 17,) the sum of two hundred and forty-two thousand four hundred and nine dollars and three cents ($242,409 03) is chargeable to the twelfth and thirteenth fiscal years, ending with June thirtieth, eighteen hundred and sixty-two, the payments being made for demands that had accrued previous to that date.

Of the liabilities and demands chargeable to the fourteenth fiscal year, ending with June thirtieth, eighteen hundred and sixty-three, the Treasurer, on the twentieth of October, eighteen hundred and sixty-three, was able to pay warrants only to December, eighteen hundred and sixty-two, showing the State to be at least ten months behind prompt payment.

In the foregoing amount of payments there is included the sum of ninety thousand five hundred and seventy-four dollars and fifty-nine cents, ($90,574 59,) which has been paid out of the money received from the United States on account of War Bonds issued by this State, under the Act of eighteen hundred and fifty-seven, and the Acts amendatory thereof.

The following tabular statement shows the amount—in United States notes—received into and the balance remaining in the Treasury on the twenty-first of October, eighteen hundred and sixty-three; also the receipts into, payments from, and balances in, all other Funds:

[C]

TABULAR STATEMENT

Of Receipts and Payments.

FUNDS.	Balances on hand December 14, 1862.....	Receipts from Dec. 14, 1862, to October 21, 1863, inclusive.....	Total amount on hand	Transfers to.....	Transfers from.....	Paid on Warrants.....	Balances on hand October 21, 1863.....
General Fund	$103,420 55	$455,173 23	$558,593 78	$63.594 97	$50,433 70	$550,999 33	$20,755 72
School Fund	60,252 37	56,885 00	117,137 37	50,433 70	2,163 77	131,556 65	33,850 65
Hospital Fund	7,066 67	9,084 53	16,151 20			2,666 49	13,484 71
Library Fund	1,852 79	20,734 07	22,586 86	595 00		13,780 05	9,401 81
Interest and Sinking Fund of 1857	134,930 85	188,074 94	323,005 79			239,626 27	83,379 52
Interest and Sinking Fund of 1860	871 07	7,837 20	8,708 27			6,947 50	1,760 77
Swamp Land Fund	199,140 75	13,406 08	212,546 83		183,125 00	22,145 84	7,275 99
School Land Fund	25,415 20	15,409 29	40,824 49			40,685 0	139 49
Estates of Deceased Persons	100 93	75 76	176 69				176 69
Seminary Fund	539 55	2,620 00	3,159 55				3,159 55
Public Building Fund	233 27	77 28	310 55				310 55
National Tax Fund	134,647 92	107,264 38	241,912 30		58,306 20	183,606 10	
Legislative Fund				180,000 00	595 00	179,163 51	241 49
Military Recruiting Fund		24,260 00	24,260 00			21,564 35	2,695 65
Capitol Fund		4,819 86	4,819 86			4,141 36	678 50
Soldiers' Relief Fund		1,876 50	1,876 50				1,876 50
Insane Asylum Fund		4,691 25	4,691 25			4,691 25	
Military Fund		27,370 25	27,370 25			24,636 88	2,733 37
War Bonds—United States Notes		218,489 29	218,489 29			90,574 59	127,914 70
Totals	$668,471 92	$1,158,148 91	$1,826,620 83			$1,516,785 17	$309,835 66
Deduct United States Notes							127,914 70
Cash balance							$181,920 96

[D]

SUPPLEMENTAL STATEMENT

Of Receipts and Payments, December 1st, 1863.

FUNDS.	Balances on hand Oct. 21, 1863	Receipts from Oct. 21, to Dec. 1, 1863	Total Amount	Paid on Warrants	Transfers to	Transfers from	Balances on hand December 1, 1863
General Fund	$20,755 72	$398,884 20	$419,639 92	$275,820 86		$16,643 25	$127,175 81
School Fund	33,850 65	32,895 05	66,745 70	15,025 88	$16,643 25		68,363 07
Hospital Fund	13,484 71	3,590 60	17,075 31	637 96			16,437 35
Library Fund	9,401 81		9,401 81	1,485 57			7,916 24
Interest and Sinking Fund of 1857	83,379 52	167,418 63					250,744 67
Interest and Sinking Fund of 1860	1,760 77	6,884 67	8,645 44				8,698 92
Swamp Land Fund	7,275 99	4,548 48	11,824 47	899 50			10,924 97
School Land Fund	139 49	20,706 42	20,845 91				20,845 91
Estates of Deceased Persons	176 69	30 77	207 46				207 46
Seminary Fund	3,159 55	748 39	3,907 94				3,907 94
Public Building Fund	310 55	46 56	357 11				357 11
Federal Tax Fund	241 49	5,324 61	5,324 61				5,324 61
Legislative Fund	241 49		241 49	23 00			218 49
Military Recruiting Fund	2,695 65		2,695 65				2,695 65
Capitol Fund	678 50	26,091 44	26,769 94	21,167 45			5,602 49
Soldiers' Relief Fund	1,876 50	10,430 73	12,307 23				12,307 23
Insane Asylum Fund		26,091 44	26,091 44				26,091 44
Military Fund	2,733 37	40,089 92	42,823 29	27,591 60			15,231 69
War Bond Fund, (U. S. Notes)	127,914 70		127,914 70	11,592 03		2,200 00	114,122 67
Five per cent Fund				2,200 00	2,200 00		
Totals	$309,835 66	$743,781 91	$1,053,617 57	$356,443 85			$697,173 72

Having had no time further to investigate or report the condition of the State's finances, or anything of peculiar interest that may seem to attach to the condition of the several Funds, except that ample provision is made for the payment of interest on the State's outstanding Bonds, which is promptly paid semi-annually, or whenever the coupons for the same are due and presented, I am not prepared to enter elaborately upon discussion or recommendation relating thereto, but hold myself at all times in readiness to comply promptly with any reasonable request or lawful demand of the Governor or Legislature in further explanation of the condition of the Treasury.

Briefly and respectfully submitted,

R. PACHECO,
State Treasurer.

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